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ACTS
OF THE
Department of Education
Province of Ontario
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ACTS
OF THE
Department of Education
Province of Ontario

Passed during the Session of 1909

DEPARTMENT OF EDUCATION ACT
PUBLIC SCHOOLS ACT
CONTINUATION SCHOOLS ACT
HIGH SCHOOLS ACT
BOARDS OF EDUCATION ACT
SCHOOL SITES ACT
TRUANCY ACT
PUBLIC LIBRARIES ACT

PRINTED BY ORDER OF THE LEGISLATIVE ASSEMBLY OF ONTARIO



TORONTO:
Printed by L. K. CAMERON, Printer to the King's Most Excellent Majesty
1909

Ontario. Laws, statutes, etc.

WARWICK BRO'S & RUTTER, Limited, Printers
TORONTO

9 EDWARD VII., CHAPTER 88.

An Act respecting the Department of Education.

Assented to 13th April, 1909.

SHORT TITLE, s. 1.	SUPERINTENDENT OF EDUCATION,
INTERPRETATION, s. 2.	ss. 7, 8.
DEPARTMENT OF EDUCATION,	ADVISORY COUNCIL, ss. 9-25.
MINISTER, DEPUTY MINISTER	POWERS OF MINISTER AS TO
AND REGISTRAR, SEC. 3.	SEPARATE SCHOOLS, s. 26.
MINISTER OF EDUCATION, ss. 4, 5.	REGULATIONS, ETC., s. 27.
Powers and Duties, s. 6.	PENALTIES, s. 28.
	REPEAL, s. 29.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Department of Education Act.*" 6 Edw. VII., c. 52, s. 1. Short title.

2. In this Act,—

Interpretation

- (a) "Council" shall mean the Advisory Council of Education; "Council."
- (b) "Department" shall mean the Department of Education; "Department."
- (c) "Minister" shall mean the Minister of Education; "Minister."
- (d) "Registrar" shall mean the Registrar of the Department; "Registrar."
- (e) "Regulations" shall mean regulations made by the Minister and approved of by the Lieutenant-Governor in Council as provided by this Act. "Regulations."
(*New.*)

3.—(1) There shall be a Department of the Government of Ontario to be known as "*The Department of Education,*" which shall be presided over by the Minister of Education. (*See* 6 Edw. VII., c. 52, s. 2.) Department of Education.

(2) The Lieutenant-Governor in Council may appoint a Deputy Minister of Education and a Registrar of the Department of Education. (*See* R.S.O., 1897, c. 15, ss. 17 and 18.) Deputy Minister and Registrar.

MINISTER OF EDUCATION.

4.—(1) The Minister shall have the administration and enforcement of the statutes and Regulations respecting Minister of Education.
Public

Public Schools, Separate Schools, Kindergarten Departments, Consolidated Schools, High Schools, Collegiate Institutes, Continuation Schools, Technical Schools, School Cadet Corps, all Departments of any such schools, Night Schools, School Gardens, School Libraries, Public Libraries, Travelling Libraries, Library Institutes and of all other schools supported in whole or in part by public money which may hereafter be established, unless other provision is made in the Act by which the school is established.

Management of Schools and Institutions.

(2) The Minister shall have the management and control of Model Schools, Normal Schools, Teachers' Institutes, Summer and Vacation Schools and the Institutions for the education of the Blind and the Deaf and Dumb.

Appointment of Inspectors, Teachers, and Officers.

(3) The Minister may appoint such Inspectors, Teachers, and Officers for purposes of instruction, supervision and administration as he may deem expedient.

Prescribing duties of officers.

(4) Subject to the provisions of this Act and to the Regulations, the Minister may prescribe the duties of the Registrar and of all other officers of the Department.

Regulations.

5. Subject to the provisions of any statute in that behalf the Minister, with the approval of the Lieutenant-Governor in Council, may make Regulations,

Schools, departments, etc.

(a) For the establishment, organization, government, courses of study, and examination of the schools, departments, school cadet corps, school gardens, institutes and institutions hereinbefore mentioned. (*See 6 Edw. VII., c. 52, s. 4 (1).*)

Fees of candidates, examiners and students.

(b) Prescribing the fees, if any, to be paid by candidates at Departmental examinations other than High School Entrance Examinations and by Normal and Model school students. (*See 6 Edw. VII., c. 52, s. 4 (1).*)

(c) Prescribing the fees to be paid to presiding officers and examiners in connection with Departmental Examinations and by whom and in what manner such fees and any other expenses in connection with such examinations shall be borne and paid.

Construction and equipment of school houses and grounds.

(d) Prescribing the accommodations and equipment of school houses and the arrangement of school premises. (*New.*)

Text books and books of reference.

(e) Authorizing text books for the use of pupils and of teachers in training attending such schools, departments, school gardens, corps, institutes and institutions and books of reference for the use

use of teachers and pupils. (See 6 Edw. VII., c. 52, s. 4 (2).)

- (f) For the management of public, travelling, school libraries and library institutes. (See 6 Edw. VII., c. 52, s. 4 (2).) Libraries.
- (g) Prescribing the qualifications and duties of inspectors, teachers and directors of such schools, departments, corps, school gardens, institutes and institutions. (See Edw. VII., c. 52, s. 4 (2).) Qualification and duties of teachers and inspectors.
- (h) For conducting the examinations prescribed by the regulations and settling the results thereof. (See 6 Edw. VII., c. 52, s. 4 (3).) Departmental examinations.
- (i) For granting temporary, interim, special, permanent, and renewed certificates of qualification to teachers. (New.) Teachers' certificates.
- (j) For the payment of the superannuation allowances of inspectors and teachers. (New.) Superannuation allowances.
- (k) For the apportionment and distribution of all moneys appropriated by the Legislature for educational purposes, including sums granted for public and travelling libraries and the maintenance of historical, literary and scientific institutions. (New.) Apportionment of legislative grant.
- (l) For the affiliation with any University in Ontario or with the Normal or Model Schools of such Collegiate Institutes, High Schools, Public Schools or Separate Schools as he may deem necessary for practical instruction in the art of teaching. (See 6 Edw. VII., c. 52, s. 4 (3).) Affiliating certain schools with other institutions.
- (m) For accepting such courses and examinations as he may deem adequate for the academic and professional training of teachers. (See 6 Edw. VII. c. 52, s. 4 (7).) Accepting University courses and examinations in pedagogy.
- (n) For the conduct of the business of the Advisory Council of Education. 6 Edw. VII., c. 52, s. 4 (9). Conduct of business of council.

POWERS AND DUTIES OF MINISTER.

6. It shall be the duty of the Minister and he shall have power, Powers and duties of Minister.

- (a) To apportion all sums of money appropriated as a general grant for urban public and separate schools among the several cities, towns and villages Apportionment of general grant for urban schools.

villages according to the population of each as compared with the population of all the urban municipalities in the Province according to the last annual returns received from municipal clerks;

Division
between Public
and Separate
schools.

- (b) To divide the amount so apportioned to each city, town and village between the public and separate schools therein, according to the average number of pupils who attended such schools respectively during the next preceding calendar year;

Payment of
grants to pub-
lic schools.

- (c) To pay, on or before the first day of August in each year, the grants so apportioned to the treasurer of each city, town and village, for payment to the respective boards of public schools upon the warrants of the inspectors;

Apportion-
ment of special
school grants.

- (d) Subject to the Regulations, to apportion all sums of money appropriated as a special grant for urban public and separate schools among the several cities, towns and villages, on the basis of the grade of the teachers' certificates and the length of their successful experience;

Payment of
special grant
to public
schools.

- (e) To pay on or before the first day of August in each year, the grants so apportioned to the respective boards of public school trustees upon the warrants of the public school inspectors;

Payment of
grants to sepa-
rate schools.

- (f) To pay, on or before the first day of August in each year the grants so apportioned to the respective boards of separate schools upon the warrants of the inspector of separate schools;

Apportionment
of grant for
rural schools.

- (g) Subject to the Regulations, to apportion all sums of money appropriated as a general grant for the rural public and separate schools amongst such rural schools on the basis of the salaries paid to the teachers, the value of the equipment, the character of the accommodation, the grade of the teachers' professional certificates, the length of their successful experience, and the amount of the municipal or school assessments;

Payment of
grants to
rural schools.

- (h) To pay, on or before the first day of August, in each year, the grant so apportioned to the rural public and separate schools in counties, to the treasurer of the county, and through him (except when he acts as sub-treasurer also) to the township treasurers for payment by them to the boards of rural public and separate school trustees upon the warrants of the inspectors of public and separate schools;

- (i) Subject to the Regulations, to pay the grants so apportioned to rural public and separate schools in Provisional Judicial Districts to the respective boards of trustees on or before the first day of August in each year or in two equal instalments, the first on or before the 1st day of August, and the second on or before the 1st day of December; Payments of grants to rural schools in districts.
- (j) Subject to the Regulations, to apportion to public and separate school boards in poor rural districts, and to the residents of lumber, mining, and other settlements all sums of money appropriated for assisted schools; Apportionment of grants to assisted schools.
- (k) Subject to the Regulations, to apportion all sums of money appropriated for high school purposes among the several high schools of the Province, on the basis of the salaries paid to teachers, the character of the accommodation, and the value of the equipment, after providing a minimum grant for each school which is equipped in accordance with the Regulations, and notice of such apportionment shall be given to the county clerk of each county, so that the county grant may be paid to the treasurer of the board of such school; Apportionment of high school grant.
- (l) Subject to the Regulations, to apportion out of any moneys appropriated for such purposes, all sums payable under any Statute or Regulation towards the maintenance of Faculties of Education in any of the universities, the normal, model, or other schools or institutes for the training of teachers, continuation schools and fifth classes, consolidated schools, technical schools, manual training, household science and agricultural departments, school gardens, kindergartens, night schools, public libraries, travelling libraries, art schools, school libraries, art departments of schools, cadet corps and for free text books, inspection of schools, and the examination of teachers, and to apportion and distribute any other special sums that may from time to time be appropriated for educational purposes; Apportionment of grant made to different institutions.
- (m) To accept in lieu of the departmental courses and examinations prescribed for candidates for teachers' certificates, such evidence of academic scholarship or professional training or experience as he may deem equivalent thereto; Accepting other qualifications in lieu of departmental examinations.

(n)

Minister may submit questions arising upon school law to High Court.

(n) To submit a case on any question arising under *The Public Schools Act*, *The High Schools Act*, or *The Separate Schools Act* or this Act to a Judge of the High Court for his opinion and decision, or, by the leave of a Judge of such Court to a Divisional Court of the High Court for its opinion and decision;

Power to settle disputes and complaints.

(o) To determine all disputes and complaints laid before him the settlement of which is not otherwise provided for by law, and all appeals made to him from the decision of an inspector or other school officer;

Suspension or cancellation of certificates.

(p) To suspend or cancel any certificate of qualification granted by the Department;

Power to appoint commissioners.

(q) To appoint as a Commission one or more persons, as he may deem expedient, to inquire into and report upon any school matter, with power to administer oaths to witnesses, and with all the powers which may be conferred on commissioners under *The Public Enquiries Act*; and

8 Edw. VII., c. 52.

Annual report to be made by Minister.

(r) To report annually to the Lieutenant-Governor upon the condition of education in Ontario, with such suggestions for the improvement thereof as he may deem expedient. (*See* 6 Edw. VII., c. 52, s. 23.)

SUPERINTENDENT OF EDUCATION.

Appointment of Superintendent.

7. The Lieutenant-Governor in Council may appoint a Superintendent of Education who shall hold office during pleasure. (*See* 6 Edw. VII., c. 52, s. 2 (1).)

Duties and powers.

8. The Superintendent of Education shall have, subject to the direction of the Minister and to the provisions of any Act or regulation, the general supervision and direction of all classes of High Schools, Public Schools, Separate Schools, Technical Schools, professional training schools and the Departmental Examinations for Teachers, Teachers' Institutes, Art Schools, and School Libraries, and of the Inspectors of any of such schools, and shall make such recommendations to the Minister as he may deem expedient with respect to any matters arising out of such supervision and direction. (*See* 6 Edw. VII., c. 52, s. 25 (2).)

ADVISORY COUNCIL OF EDUCATION.

Advisory Council of Education how composed.

9. There shall be an Advisory Council of Education composed as follows:—

(a)

- (a) The President of the University of Toronto for the time being, who shall be chairman;
- (b) The Superintendent of Education who shall, subject to the direction of the Minister, represent him, but shall have no vote;
- (c) Three additional members representing the University of Toronto, to be elected by the Senate of the University;
- (d) Four members representing, respectively, Queen's University, McMaster University, Ottawa University and the Western University, one to be elected by the Senate of each University;
- (e) Two members elected by and representing the High School Teachers;
- (f) Four members elected by and representing the Public School Teachers;
- (g) One member elected by and representing the Separate School Teachers;
- (h) Two members elected by and representing the Public School Inspectors, and
- (i) Two members elected as hereinafter mentioned and representing the School Trustees of the Province. (See 6 Edw. VII., c. 52, s. 5.)

10.—(1) The Council shall be a consultative committee to confer with the Minister on such subjects only as he may submit to it or to its committees. (See 6 Edw. VII., c. 52, s. 6 (1).)

To be a consultative committee.

(2) The Council shall have power, subject to the Regulations, to make rules for the conduct of its own business. (6 Edw. VII., c. 52, s. 6 (4).)

Regulating conduct of business.

11. No person who is directly or indirectly, alone or with another, as principal or agent, by himself or by the interposition of a third person financially interested in the preparation, publication, authorization or sale of any text book or other book or of any map or chart or other apparatus for use in any of the schools, continuation classes, departments or institutes which are under the direction and regulation of the Minister, shall be eligible as a member of the Council or sit or vote thereon, and any member of the Council who becomes so financially interested shall thereby vacate his office. (See 6 Edw. VII., c. 52, s. 7.)

Certain persons disqualified from being members.

12.—(1) The meetings of the Council and of its committees shall be called by the Minister.

How meetings to be called.

(2) The Registrar shall attend the meetings of the Council and shall act as secretary thereof.

Qualification
of members.

13.—(1) Every representative of a University shall be elected from among the members of the Senate of the University, and each of the other elected members of the council shall be elected from among the members of the body which he represents, and shall possess the same qualifications as are prescribed by this Act for the electors of such body.

Election of
representatives
of Universities.

(2) At an election of a representative of a University every member of the Senate thereof shall have the right to vote, and in other respects each Senate shall elect its representatives in such manner as it may deem expedient.

Election of
teachers and
inspectors.

(3) The representatives of the high school, public school and separate school teachers, and of the public school inspectors, shall be elected by ballot as provided in this Act. 6 Edw. VII., c. 52, s. 9.

Triennial
elections.

14.—(1) Every elected member of the Council shall hold office for three years, and until his successor is elected.

Eligible for
re-election.

(2) A member of the Council who retains his qualification shall be eligible for re-election. (*See* 6 Edw. VII., c. 52, s. 10.)

What teachers
may vote.

15.—(1) Every teacher who holds a permanent certificate of qualification granted by the Minister, and who is engaged in teaching in a school for which such permanent certificate qualifies such teacher shall be entitled to be entered on the list of teachers of that class and to vote at the election of a representative thereof.

What inspec-
tors may vote.

(2) Every public school inspector engaged in the performance of the duties of that office shall be entitled to be entered on the list of inspectors qualified to vote for representatives of public school inspectors, and to vote at any election of such representatives. (*See* 6 Edw. VII., c. 52, s. 11.)

Lists of
electors.

16. Whenever a general election of representatives is to be held the Registrar shall, as soon as may be after the receipt of the respective lists of qualified electors, make up and complete and enter on separate registers an alphabetical list of the names with the post office addresses of all persons belonging to each class of electors (except the members of a University Senate), entitled to elect representatives. (*See* 6 Edw. VII., c. 52, s. 12.)

Lists of
teachers.

17.—(1) On or before the first Wednesday of October in each year in which a general election is to be held
every

every high school, public school and separate school inspector shall furnish to the Registrar a list of the names of all teachers in the schools in his inspectorate who are entitled to vote, with their post office addresses.

(2) On or before the same date the Registrar shall prepare a list of the public school inspectors who are entitled to vote. Lists of Inspectors.

(3) Where by reason of a vacancy in the office, illness, absence or any other cause, there is no inspector or registrar able to furnish a list of voters, the Minister may require some competent person to furnish the same. (See 6 Edw. VII., c. 52, s. 13.) Vacancy in office of inspector or registrar.

18.—(1) No teacher or inspector shall be elected who has not been nominated in writing signed by at least six of the persons who are entitled to vote as members of the electing body to which such teacher or inspector belongs. Nominations of candidates.

(2) Every nomination paper shall contain the name and post office address of each candidate nominated therein and the post office address of each person signing such nomination paper, and shall be delivered at the office of the Registrar before four o'clock in the afternoon of the first Wednesday of October in the year in which the election is to be held, but not earlier than two weeks before that day, and nomination papers received by the Registrar by post within that time shall be deemed to be duly delivered to him. Nomination papers.

(3) A nomination paper which does not comply with the provisions of this section shall be null and void. 6 Edw. VII., c. 52, s. 14. Invalid nomination papers

19. If the number of candidates nominated does not exceed the number of representatives to be elected, the person or persons so nominated shall be deemed to be elected and the Registrar shall forthwith report the result with the names and post office addresses of the persons so elected to the Minister. 6 Edw. VII., c. 52, s. 15. Election by acclamation.

20.—(1) Where a greater number of candidates are nominated than the number of representatives to be elected by any electing body, an election shall be held and the Registrar shall send by post on or before the third Wednesday of October in the year in which the election is to be held a voting paper, Form "A," to each person qualified to vote at such election together with a list giving the names and post office addresses of all the candidates nominated. Proceedings when vote to be taken.

(2) Each person qualified to vote shall be entitled to as many votes as there are members to be elected to represent Elector may vote once only for any candidate.

sent the electing body to which he belongs, but may not give more than one vote to any one candidate.

Damaged
voting paper.

(3) If a voting paper is accidentally so damaged as to be unfit for use the person to whom it was sent by the Registrar may return it to him and obtain another to be used in its place, but no second voting paper shall be furnished to any elector unless the first one is returned so damaged. 6 Edw. VII., c. 52, s. 16.

Mode of
election to
the council.

21.—(1) The voting papers shall be delivered to the Registrar between ten o'clock in the forenoon and four o'clock in the afternoon of any day between the third Wednesday of October and the first Wednesday of November, both days included, in any year in which an election is held; and any voting paper received by the Registrar by post within such dates before four o'clock in the afternoon of the last named day shall be deemed to be duly delivered to him.

Opening of
ballot papers.

(2) Upon the Thursday next after the first Wednesday of November, at ten o'clock in the forenoon, the voting papers shall be opened by the Registrar with such assistance as the Minister may deem necessary in presence of the scrutineers to be appointed as hereinafter provided, who shall examine and count the votes and keep a record thereof in proper books to be provided by the Minister. Any candidate at the election may be present at the opening of the voting papers or be represented by not more than one agent appointed by him in writing. No voting paper which has not been furnished by the Registrar shall be counted.

Appointment
of scrutineers.

(3) The Ontario Educational Association at its Easter meeting previous to the election, or in default, the President of the University of Toronto, shall appoint one person, and he and a person appointed by the Minister shall act as scrutineers at the election.

What votes to
be counted.

(4) If an elector votes for more candidates than there are representatives to be elected by the electing body to which he belongs, his vote shall be invalid and shall not be counted.

Elector voting
for persons not
candidates.

(5) If an elector places upon his voting paper the name of any person who is not a qualified candidate, the vote in favour of any qualified candidate who is properly voted for shall not be invalidated, and such voting paper shall be acted upon as if the name of the person who was not qualified had not been inserted.

Declaration of
results.

(6) Upon the completion of the counting of the votes and of the scrutiny, the Registrar shall declare elected as a member

member or members of the Council the candidate or the required number of candidates who have received the highest number of votes cast by the respective bodies of electors, and shall forthwith report the same in writing signed by himself and by the scrutineers, to the Minister.

(7) Where there is an equality of votes cast for two or more candidates which leaves the election of one or more members of the Council undecided, the scrutineers shall forthwith put into a ballot box a number of similar papers with the names of the candidates having such equality of votes written thereon, one for each candidate, and the Registrar shall draw by chance from the ballot box in presence of the scrutineers one or more of the papers sufficient to make up the required number, and the person or persons whose name or names are upon the paper or papers so drawn shall be deemed to be elected. (See 6 Edw. VII., c. 52, s. 17.) Equality of votes.

22. The representative of each of the Universities mentioned in section 9 shall be elected on or before the first Wednesday in November of the year in which a general election is to be held, and notification of the names of the persons elected shall be sent forthwith to the Minister by the Registrar of each University. (See 6 Edw. VII., c. 52, s. 18.) Date of University election.

23.—(1) Where default is made in the election of the required number of representatives of any University or of any of the bodies authorized to elect representatives to the Council, at the time prescribed therefor, the Minister may fill the vacancy, but no person shall be appointed who is not a qualified member of the body which he is to represent. Default of election.

(2) Where the office of a representative of any University becomes vacant for any cause before the expiration of his term of office, the Senate of the University shall, as soon as may be convenient, elect another representative to fill the vacancy, and if the vacancy is not so filled within one month the Minister may appoint a member of the Senate of the University to fill the vacancy. Vacancies in University representation how filled.

(3) Where a member of the Council representing the public school inspectors or representing one of the bodies of teachers vacates his office from any cause before the expiration of his term of office, the candidate for such office who at the last preceding election had the highest number of votes next after the candidate or candidates elected, or if such candidate has already become a member or is unwilling or unable to accept the office or is the member vacating the office, the candidate at the last preceding election Vacancies in representation of teachers or inspectors, how filled.

tion who received the second or next highest number of votes shall, if he is willing to accept the office, forthwith become a member in place and for the remainder of the unexpired term of the representative so vacating his office and as soon as convenient shall be notified by the Registrar that he has become a member of the Council.

Equality of
votes in such
cases.

(4) Where by reason of two or more of such candidates having received an equal number of votes, the question of filling a vacancy cannot be decided as provided by subsection 3; it shall be decided by chance in the manner provided by subsection 7 of section 21.

When vacancy
may be filled
by Minister.

(5) Where there is no such candidate to fill the vacancy or none willing to accept the office, or if for any reason a vacancy cannot be filled under any of the preceding provisions, the vacancy may be filled by the Minister by the appointment of a qualified member of the body to be represented. (*See* 6 Edw. VII., c. 52, s. 19.)

Election and
term of office
of representa-
tives of
trustees.

24.—(1) The members representing the school trustees shall be elected by the members of the trustee section of the Ontario Educational Association at an annual meeting thereof, and such election shall be conducted in all respects in such manner as the majority of the members of such section shall deem expedient.

(2) A vacancy occurring at any time in such representation may be filled at the next annual meeting of the Association. (*See* 6 Edw. VII., c. 52, s. 19.)

Vacating
office.

25. A member of the Council who ceases to reside in Ontario or to possess the required qualification, or becomes insane, or is convicted of an indictable offence shall *ipso facto* vacate his office. 6 Edw. VII., c. 52, s. 21.

SEPARATE SCHOOLS.

Powers of
Minister as to
separate
schools not
affected.

26. Subject to the provisions of this Act every power, right and authority, now by law vested in or held, had or possessed by the Minister or by the Department of Education in respect to Roman Catholic Separate Schools or to any matter or thing pertaining to or affecting such Separate Schools, shall be vested in and held, had and possessed by the Minister. 6 Edw. VII., c. 52, s. 26.

REGULATIONS AND ORDERS IN COUNCIL.

Regulations
and Orders in
Council to be
laid before the
Legislative
Assembly.

27.—(1) Every Regulation and every Order in Council made under the authority of this Act or of the Acts relating to Public Schools, Separate Schools or High Schools, shall be laid before the Assembly if the Legislature is in session at the date of such Regulation or Order in Council, forthwith

forthwith, and if the Legislature is not then in session, within the first seven days of the session next after such Regulation or Order in Council was made.

(2) Where the Assembly at such session, or if the session does not continue for three weeks after the Regulation or Order in Council is laid before the Assembly, then at the next ensuing session, disapproves by resolution of such Regulation or Order in Council or of any part thereof, the Regulation or Order in Council, so far as disapproved of, shall have no effect from the time of the passing of such resolution. 6 Edw. VII., c. 52, s. 27.

Disapproval by
Legislative
Assembly.

PENALTIES.

28.—(1) A teacher, trustee, inspector, or other person officially connected with the Department, or with any normal, model, public, or high school or collegiate institute, or other institution which is under the management or control of the Department, shall not sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize or text book, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute or other institution aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly, compensation or other remuneration or the equivalent for so doing. 1 Edw. VII. c. 39, s. 121 (1); 6 Edw. VII. c. 53, s. 63.

No inspector,
trustee,
teacher, etc., to
act as agent for
the sale of
books, maps,
etc.

(2) For any contravention of subsection 1 a teacher shall incur a penalty of \$50; a trustee shall incur a penalty of \$100; an inspector shall incur a penalty of \$500; and any other person so officially connected shall incur a penalty of \$100.

Penalties for
same.

(3) Any person, firm or corporation and any agent of a person, firm or corporation who employs a teacher, trustee, inspector, or any other person officially connected with the Department or with any normal, model, public or high school or collegiate institute, or other institution which is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or text book, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute, or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person, compensation or remuneration, or the equivalent thereof for so doing, shall for every such offence incur a penalty of \$500.

Penalty against
business firm
or agent.

(4)

Gifts, etc., to
be *prima facie*
evidence.

(4) Any gift or payment made to a teacher, trustee, inspector or other person so officially connected by any person, firm or corporation interested either as principal or agent in any such sale, shall be *prima facie* evidence of a violation of this section.

Recovery of
penalties.

(5) The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*.

Application of
penalties.

(6) The penalties recovered under this Act shall be applied to such school purposes as the Minister may direct.

Consent of
Attorney-
General to
prosecution
necessary.

(7) No prosecution for any of the penalties mentioned in this section shall be instituted without the written consent of the Attorney-General or his deputy.

Sale in ordi-
nary course
of business
excepted.

(8) This section shall not apply to sales made by a trustee who is a merchant or book seller in the ordinary and regular course of his business as such; and made at his shop or place of business.

REPEAL.

6 Edw. VII., c
52 and amend-
ments repealed

29. The Act passed in sixth year of His Majesty's reign, chaptered 52, and all amendments thereto are repealed.

SCHEDULE.

FORM "A."

(Section 20 (1)).

VOTING PAPER.

Advisory Council of Education.

I, _____ Election, _____ 19 ____
resident at _____, in the County of _____, do
hereby declare:

(1) That the signature affixed hereunto is my proper handwriting;

(2) That I vote for the following person (or persons, as the case may be) as member (or members, as the case may be), of the Advisory Council of Education, viz.:

A.B., of _____, in the County of _____, etc.;

(3) That I have not signed any other voting paper;

(4) That this voting paper was executed on the day of the date hereof;

(5) That I vote in my right as Public School Inspector (or Public School Teacher, or Separate School Teacher, or High School Teacher, as the case may be);

(6) That my permanent professional certificate is dated and numbered _____

Witness my hand this _____ day of _____, 19 ____

9 EDWARD VII., CHAPTER 89.

An Act respecting Public Schools.

Assented to 13th April, 1909.

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INTERPRETATION, s. 2.	SCHOOL SECTIONS AND UNION SECTIONS CONFIRMED, s. 20.
APPLICATION OF REGULATIONS, s. 3.	UNION SCHOOL SECTIONS, ss. 21-28.
NO RATE ON SUPPORTERS OF ROMAN CATHOLIC SEPARATE SCHOOLS, s. 4.	MAINTENANCE OF UNION SCHOOLS, s. 29.
EXISTING SCHOOL ARRANGEMENTS CONTINUED, s. 5.	CONFIRMATION OF BY-LAWS AND AWARDS, s. 30.
PUBLIC SCHOOLS TO BE FREE, s. 6.	SECOND SCHOOLS MAY BE ESTABLISHED WHERE ROADS IMPASSABLE, s. 31.
SCHOOL YEAR AND HOLIDAYS, s. 7.	SECTIONS IN UNORGANIZED TOWNSHIPS, s. 32.
RELIGIOUS INSTRUCTION, s. 8.	REVISION OF ASSESSMENT ROLLS, ss. 33-35.
SCHOOL VISITORS, s. 9.	ISSUING DEBENTURES FOR SCHOOL SITES AND HOUSES IN CERTAIN DISTRICTS, s. 36.
SCHOOL LANDS GRANTED PRIOR TO 24TH JUNE, 1850, s. 10.	COLLECTOR, s. 37.
SELECTION OF SCHOOL SITES BY RURAL BOARDS, s. 11.	SCHOOLS IN UNSURVEYED DISTRICTS, s. 38.
ACTIONS TO SET ASIDE AWARDS, s. 12.	EXEMPTIONS BY BY-LAW NOT TO AFFECT LIABILITY FOR SCHOOL RATES, s. 39.
SCHOOL WALLS AND FENCES, s. 13.	ANNUAL RETURNS OF POPULATION, AND ASSESSMENT, ss. 40, 41.
ENLARGEMENT OF SCHOOL GROUNDS BY BOARD, s. 14.	APPORTIONMENT OF INVESTMENTS BY TOWNSHIPS, s. 42.
ALTERATION OF SCHOOL BOUNDARIES, s. 15.	DEBENTURES
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DEBENTURES.

In urban municipalities, s. 43.

In rural sections, ss. 44, 45.

BORROWING BY TRUSTEES, s. 46.

RATES, s. 47.

RURAL SCHOOL SECTIONS, s. 48.

RURAL SCHOOL TRUSTEES, ss. 49-52.

MEETINGS OF RATEPAYERS, s. 53.

VOTING IN A RURAL SECTION, s. 54.

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QUALIFICATION OF VOTERS, s. 59.

ELECTION OF TRUSTEES IN URBAN MUNICIPALITIES, ss. 60-62.

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DUTIES OF SECRETARY, ss. 76, 77.

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DUTIES OF TEACHERS, ss. 82, 83.

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INSTRUCTION IN AGRICULTURE, MANUAL TRAINING AND HOUSEHOLD SCIENCE, ss. 110, 111.

PENALTIES AND PROHIBITIONS, ss. 112-131.

FINES AND PENALTIES, HOW RECOVERED, s. 132.

REPEAL, s. 133.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Public Schools Act.*"
1 Edw. VII. c. 39, s. 1.

Interpretation.

2. In this Act:—

"Board,"

(a) "Board" shall mean a Board of Public School Trustees;

(b)

- (b) "County Inspector" shall mean the Inspector ^{"County Inspector."} appointed for a County Inspectorate;
- (c) "County Inspectorate" shall mean a county or ^{"County Inspectorate."} portion of a county or portions of two or more counties for which an Inspector is appointed, but shall not include a city or separated town for which an Urban Inspector is appointed;
- (d) "District Inspector" shall mean an Inspector ^{"District Inspector."} appointed for a District Inspectorate;
- (e) "District Inspectorate" shall mean an inspectorate ^{"District Inspectorate."} composed of territory outside of county organization;
- (f) "Inspector" shall mean Public School Inspector; ^{"Inspector."}
- (g) "Inspectorate" shall mean the territory for which ^{"Inspectorate."} an Inspector is appointed;
- (h) "Minister" shall mean Minister of Education; ^{"Minister."}
- (i) "Ratepayer" shall mean any person entered on ^{"Ratepayer,"} the last revised assessment roll of the school section for public school rates and for the purposes of a school meeting shall include a farmer's son as defined by *The Consolidated Municipal Act, 1903*;
- (j) "Regulations" shall mean regulations made under ^{"Regulations."} *The Department of Education Act*;
- (k) "School section" and "section" shall include a ^{"School section."} part of one or more township municipalities under the jurisdiction of one public school board;
- (l) "School site" shall mean the land necessary for ^{"School site."} a school house, playgrounds, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium and offices connected therewith;
- (m) "Secretary" or "Treasurer" shall include a sec- ^{"Secretary" or "Treasurer,"} retary-treasurer. 6 Edw. VII. c. 53, s. 2.
- (n) "Separated town" shall mean a town which does ^{"Separated Town."} not form part of a county for municipal purposes;

(o)

- "Teacher." (o) "Teacher" shall mean a person holding a legal certificate of qualification;
- "Township." (p) "Township" shall include a union of townships;
- "Township board." (q) "Township board" shall mean a board having jurisdiction over all the public schools in a township;
- "Urban Inspector." (r) "Urban Inspector" shall mean the Inspector appointed for an urban inspectorate;
- "Urban Inspectorate." (s) "Urban Inspectorate" shall mean a city or separated town not included in a county inspectorate;
- "Urban municipality." (t) "Urban municipality" shall mean a city, town or village.

Application of regulations.

3. The Regulations, though not specially referred to, shall apply to any matter or thing in this Act contained, so far as the same are consistent with this Act. 1 Edw. VII. c. 39, s. 3.

No rate on supporters of Roman Catholic separate schools.

4. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic separate schools except that all taxable property shall continue to be liable to taxation for the purpose of paying any liability incurred for public school purposes while such property was subject to taxation for such purposes. 1 Edw. VII. c. 39, s. 4.

Existing school arrangements continued.

5. All public school sections or other public school divisions shall continue as they now exist; all trustees duly elected and all officers duly appointed shall continue in office; and all agreements, contracts, assessments, and rate-bills heretofore duly made in relation to public schools, and existing when this Act takes effect shall continue subject to the provisions of this Act. 1 Edw. VII. c. 39, s. 5.

PUBLIC SCHOOLS TO BE FREE.

Public schools to be free.

6.—(1) All schools established under this Act shall be free public schools, and every person between the ages of five and twenty-one years shall have the right to attend some such school in the urban municipality or rural school section in which he resides.

(2) Children between the ages of four and seven years may attend kindergarten schools, subject to the payment of such fees as to the board may seem expedient. 1 Edw. VII. c. 39, s. 6. Right to attend kindergarten schools.

(3) Every corporation, society, agent or person having the custody of a child, and being a public school supporter, shall be entitled to send such child to the public school of the municipality or school section in which the child resides, as if he were the child of a ratepayer in such municipality or school section; and every such corporation, society, agent or person shall be subject to the provisions of *The Truancy Act* in the same manner and to the same extent as a ratepayer. 7 Edw. VII. c. 51, s. 1. Right of children to attend schools. 9 Edw. VII., c. 92.

SCHOOL YEAR AND HOLIDAYS.

7.—(1) The school year shall consist of two terms, the first of which shall begin in rural schools on the third Monday in August, and in urban schools on the first day of September, and shall end in both rural and urban schools on the twenty-second day of December, and the second of which in both rural and urban schools shall begin on the 3rd day of January and end on the 29th day of June. School year and school terms.

(2) Every Saturday, every public holiday, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged, shall be a holiday in public schools. Saturdays and other holidays.

(3) With the approval of the inspector, the board of a rural school section may substitute holidays in some other part of the year for part of the time herein allowed for Easter and midsummer vacations to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed in each year. 1 Edw. VII. c. 39, s. 96; 4 Edw. VII. c. 30, s. 15. Rural school sections.

(4) When there is no county organization, the inspector, subject to an appeal to the Minister, may determine the length of time, which shall not be less than six months, during which a school shall be kept open each year, and it shall be the duty of the board to keep the school open during the whole of the time so determined. 1 Edw. VII. c. 39, s. 65 (5); 6 Edw. VII. c. 53, s. 36; 7 Edw. VII. c. 51, s. 14. Determining school terms in districts.

RELIGIOUS INSTRUCTION.

Religious exercises.

8.—(1) No pupil in a public school shall be required to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his parent or guardian.

Religious instruction.

(2) Subject to the Regulations, pupils shall be allowed to receive such religious instruction as their parents or guardians desire. 1 Edw. VII. c. 39, s. 7.

SCHOOL VISITORS.

Public school visitors defined.

9.—(1) Judges, members of the Assembly, and members of municipal councils, shall be school visitors in the municipalities where they respectively reside, and every clergyman shall be a school visitor in the municipality where he has pastoral charge.

Authority to visit public schools.

(2) School visitors may visit public schools, may attend any school exercises, and at the time of any visit, may examine the progress of the pupils, and the state and management of the schools, and give such advice to the teachers and pupils, and any others present, as they deem expedient. 1 Edw. VII. c. 39, s. 99.

SCHOOL LANDS GRANTED PRIOR TO 24 JULY, 1850.

School lands granted before 1850 vested in trustees for school purposes.

10. All lands which before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes, and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which such lands are respectively situated, shall continue vested in such trustees, and shall continue to be held by them and their successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which such lands are now respectively held. 1 Edw. VII. c. 39, s. 123.

SELECTION OF SCHOOL SITES BY RURAL BOARDS.

Selection and change of school site.

11.—(1) Whenever it is deemed expedient by or it is the duty of a rural school board to erect a new school building or where a petition in that behalf is presented by 25 per cent. of the ratepayers of the school section, the board

board shall select a school site and shall thereupon call a special meeting of the ratepayers to consider the site selected by the board, whether the same be the present site or a new site; and no site shall be adopted, except in the manner herein provided, without the consent of a majority of such meeting. See 6 Edw. VII. c. 53, s. 22.

(2) In case a majority of the ratepayers present at such special meeting differ from the board as to the suitability of the site selected by it, each party shall then and there choose an arbitrator, and the inspector, or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting shall make and publish their award, and may, in and by the award approve of the site selected by the board or may change the boundaries of the same or may select such other site as the arbitrators or the majority of them deem more suitable for the purpose. 1 Edw. VII. c. 39, s. 34 (2); 4 Edw. VII. c. 30, s. 2 (1); 6 Edw. VII. c. 53, s. 23.

When trustees and ratepayers differ as to site.

Award of arbitrators as to site for rural school.

(3) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider the award and within two months thereafter to make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least five years from the date thereof. Provided that, in case the boundaries of the section have been altered before any action has been taken by the board to purchase the site, proceedings under this section may be taken for the selection of a site as if no award had been made. 1 Edw. VII. c. 39, s. 34 (3).

Reconsideration of award.

(4) If the board or the majority of the ratepayers present at a public school meeting, neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator, as provided in this Act, the inspector, with the arbitrator appointed, shall meet and determine the matter; and the inspector in case of such refusal or neglect, shall have a second or casting vote if he and the arbitrator appointed do not agree. 1 Edw. VII. c. 39, s. 35 (2); 6 Edw. VII. c. 53, s. 24.

Appointment of arbitrators—their powers.

ACTIONS TO SET ASIDE AWARDS.

12. No action to set aside an award made under this Act shall be undertaken by, or at the instance of the board

Consent of majority of ratepayers to action to set aside of award.

of a rural school section without the consent of the majority of the ratepayers of the section present at a special meeting duly called to consider the advisability of such action being brought. 4 Edw. VII. c. 30, s. 2 (2).

SCHOOL WALLS AND FENCES.

Fence.

13. Any wall or fence deemed necessary by the board or required by the Regulations for the enclosure of the school premises shall be erected and maintained by the board. 1 Edw. VII. c. 39, s. 37 (2).

ENLARGEMENT OF SCHOOL GROUNDS BY BOARD.

Enlargement
of school site.

14. Where the area of a rural school site is less than is required by the Regulations the board may, without reference to a special meeting of the ratepayers, enlarge the same so as to conform to the Regulations. 1 Edw. VII. c. 39, s. 38; 6 Edw. VII. c. 53, s. 28.

ALTERATION OF SCHOOL BOUNDARIES.

Union of two
or more
sections.

15.—(1) The council of a township may pass by-laws;

- (a) To unite two or more sections in the same township into one section if, at a meeting of the ratepayers in each section called by the board or by the inspector for that purpose, a majority of the ratepayers present at each meeting request to be united. 1 Edw. VII. c. 39, s. 41, (1); 2 Edw. VII. c. 40, s. 2.

Proviso
as to township
boards.

Provided that when all the school sections in a township have been consolidated the council may limit the number of trustees constituting the board to not less than six, after at least one month's notice in writing has been given to the secretary of the board of the intention to consider a resolution to that effect, and in such case the council may provide for the election of all trustees by a general vote of the ratepayers of the whole township or divide the township into as many districts as there are trustees to be elected and provide for the election of one trustee for each of such districts. 4 Edw. VII. c. 30, s. 3.

Alteration,
etc., of school
sections.

- (b) To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite any part of an existing section with another section, or with a new section, or to unite parts of existing sections so as to form a new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union, have been duly notified

notified, in such manner as the council may deem expedient, of the proposed by-law for that purpose, or of any application made to the council to do so. 1 Edw. VII., c. 39, s. 41 (2); 3 Edw. VII. c. 32, s. 2.

(2) No such by-law shall be passed later than the first day of June in any year, nor shall, subject to the provisions as to the formation, alteration or dissolution of union school sections, take effect, except as herein otherwise provided, before the 25th day of December next thereafter, and shall remain in force, unless set aside, as hereinafter provided, for a period of five years.

(3) The township clerk shall transmit a copy of such by-law immediately after the passing thereof to the board of every school section affected thereby and to the inspector. 1 Edw. VII. c. 39, s. 41 (3); 7 Edw. VII. c. 51, s. 9.

(4) Where part of a school section has been added to a city or town, the council of the municipality in which such section is situate may pass a by-law for the readjustment of the boundaries of the remaining part of such section, notwithstanding the passing of a by-law within five years affecting the limits of such section or adjoining sections. 1 Edw. VII. c. 39, s. 41 (4).

CONSOLIDATED SCHOOLS.

16.—(1) In case the ratepayers in each of two or more rural school sections, at a special meeting duly called by the board or by the inspector for that purpose, pass a resolution to unite for the purpose of carrying on a consolidated school, the council of the township in which the school sections are situate, or, in case the school sections are situate in different townships, then the council of each of such townships may pass a by-law to consolidate the sections for that purpose.

(2) The resolutions and by-laws so passed shall fix a date for the establishment of such school, which shall not be less than three months after the passing of the last of such by-laws nor before the first day of the next calendar year after the resolutions are passed.

(3) The trustees of such consolidated school section shall be a corporation by the name of "The Board of Trustees of Consolidated School," inserting the name of the school, and shall possess all the powers and perform all the duties and be subject to all the liabilities conferred and imposed by this Act upon the trustees of rural schools, and may also provide for the conveyance of pupils to and from school and for the cost thereof; and they may, subject to

to the approval of the Minister, select a name for such school.

Maintenance when in different townships or counties.

(4) Where the sections consolidated are in different townships or counties the provisions of this Act relating to union school sections shall apply to the consolidated school section for the purpose of fixing the proportion of the cost of maintaining the school to be borne by the different parts of such consolidated school section; and each township in which any part of the consolidated section is situate shall levy, collect and pay over its proportion, as if such school were a union school.

Original sections to continue to elect trustees

(5) The school sections so consolidated shall maintain their separate identity and each of such sections shall continue to elect trustees as if no consolidation had taken place.

Trustees of sections to be consolidated board.

(6) The trustees so elected shall constitute the board of the consolidated school section.

Boards of sections continued.

(7) The trustees elected for each of the sections so consolidated shall continue to be a school corporation and shall have the care of the school buildings and property, if any, which belonged to such section before the consolidation, and shall make such requisitions upon the board of the consolidated school as may be necessary to provide insurance and protection therefor.

Care and disposal of property.

(8) The trustees of each section, if authorized by the majority of ratepayers present at a meeting duly called for that purpose, shall dispose of such school buildings and property or any part thereof in such manner and on such terms as the ratepayers may determine at such meeting.

Consolidated board to include sums required by the section boards in annual requisition.

(9) The board of the consolidated school shall include the respective sums required by each separate section under subsection 7 and shall distinguish the same in their annual requisition upon the municipal council or councils for school funds and the sum so required by each separate section shall be levied upon and collected from the taxable property of the public school supporters in that section, and the board of the consolidated school shall pay the same, as required, to the trustees of the respective separate sections. 8 Edw. VII. c. 67, s. 7.

When by-law to be passed—duration of.

(10) A by-law to form a consolidated school section shall not be passed later than the 1st day of June in any year nor take effect except as herein otherwise provided before the 25th day of December next thereafter, and shall remain in force unless set aside as hereinafter provided for at least five years. (*New.*)

Dissolution of section.

(11) If, at any time after the expiration of five years from the establishment of such school, at a special meeting

ing duly called for the purpose, a majority of all the members of the board of the consolidated school vote in favour of the dissolution of such section, the council or councils of the township or townships in which such section is situate may pass by-laws dissolving such section, and fixing a date for the dissolution, which shall not be less than three months after passing the by-laws nor before the first day of the next calendar year thereafter. (New.)

(12) Upon such dissolution, the boards of the separate sections shall have all the powers and perform all the duties of the public school boards as if no such consolidation had taken place, and they may, by agreement arrange for the disposition of the property acquired for or used by the consolidated school and adjust all or any claims and matters among themselves relating to such property or school. (New.)

Powers and duties of boards of separate sections after dissolution.

(13) If any claim or matter is not settled by agreement, each board concerned shall appoint an arbitrator and if the number appointed be an even number, those appointed shall appoint an additional arbitrator or if they cannot agree the Minister shall appoint an additional arbitrator and all differences among the boards shall, subject to the provisions of subsection 3 of section 20, be determined by the arbitrators in the manner provided in *The Arbitration Act*. (New.)

Arbitration.
9 Edw. VII., c. 35.

(14) The township clerk shall transmit copies of all by-laws passed under the provisions of this section immediately after the passing thereof to the board of every section affected thereby and to the inspector. (New.)

Copies of by-laws to be sent to boards and to inspector.

APPEALS TO COUNTY COUNCILS.

17.—(1) A board, or any five ratepayers of any one or more of the school sections concerned, may within twenty days, by notice filed in the office of the county clerk appeal to the county council of the county in which such section or sections are situate, against any by-law of the township council for the formation, division, union or alteration of their school section or sections: or against the neglect or refusal of the township council, on application being made to it by a board or any five ratepayers concerned, to form, unite, divide or alter the boundaries of a school section or school sections within the township. 1 Edw. VII. c. 39, s. 42 (1).

Appeal to county council.

(2) The time for appeal shall run from the date of the by-law complained of, or from the date of the meeting at which the council refused to pass the by-law, or from the second meeting after which notice was received by the clerk of

Time for appeals.

of the application of the board or ratepayers asking for such by-law to be passed, as the case may be. 1 Edw. VII. c. 39, s. 42 (2).

Appointment
of arbitrators.

(3) The county council may, if it thinks fit, appoint a board of arbitrators consisting of not more than five, nor less than three competent persons, two of whom shall be the County Judge, or some person named by him, and the inspector, a majority of whom shall form a quorum, to hear such appeal and to form, divide, unite or alter the boundaries of the school section or school sections, so far as to settle the matters complained of. 1 Edw. VII. c. 30, s. 42. (3); 7 Edw. VII. c. 51, s. 10.

Notice.

(4) Due notice of the alteration or of the determination of the arbitrators shall be given by the inspector to the clerk of the township, and to the school boards concerned. 1 Edw. VII. c. 39, s. 42 (4, 5).

Appeals in
territorial
districts.

(5) In a provisional judicial district the appeal shall be to a board of three arbitrators composed of the judge of the District Court or some person named by him, the inspector and some person appointed by by-law or resolution of the township council.

(a) The notice of appeal shall be given to the clerk of the township, the inspector and the judge.

(b) The township council at its first meeting after service of such notice upon the township clerk, shall appoint their arbitrator, and the clerk of the township shall forthwith notify the inspector of such appointment.

(c) The judge upon receipt of the notice of appeal shall notify the inspector in writing of his willingness to act as arbitrator, or shall name some person to act in his stead, and notify the inspector in writing of such appointment.

(d) When the board is complete the judge or his nominee shall convene the first meeting of the board and he shall be chairman thereof. 7 Edw. VII. c. 51, s. 11.

When alteration or determination of appeal to take effect—duration.

(6) The alterations or determination of such matters, except as herein otherwise provided, shall not take effect before the 25th day of December in the year in which the award is made and shall thence continue in full force for the period of five years at least, and thereafter until changed under this Act. 1 Edw. VII. c. 39, s. 42 (3); 7 Edw. VII. c. 51, s. 10.

Who may act
as arbitrators.

(7) No person shall be nominated or appointed arbitrator, who is a member of the township council, or who was a member at the time at which the council passed, or refused or neglected to pass the by-law.

ADJUSTMENT OF CLAIMS BETWEEN BOARDS.

18.—(1) On the formation, dissolution, division or alteration of any school section or sections in the same township, in case the boards of the sections interested are unable to agree, the inspector and two other persons appointed by the township council shall as arbitrators, value, adjust and determine in an equitable manner all rights and claims consequent upon such formation, dissolution, division or alteration between the respective parts of the township affected, and the determination of the arbitrators or of any two of them shall be final and conclusive. 1 Edw. VII. c. 39, s. 43.

Adjustment of claims between unions in same township.

(2) Where there are more inspectors than one the township council shall name the inspector who is to act.

Where more inspectors than one.

SALE OF SCHOOL PROPERTY.

19.—(1) When a school site, school house or other school property is no longer required, in consequence of the alteration or the union of school sections, the same shall be disposed of, in such manner as a majority of the ratepayers in the altered or united school sections may decide at a meeting duly called for that purpose.

Disposal of school property when not required.

(2) Where ratepayers are transferred from one school section to another, the board of the section to which they are transferred shall be entitled for the public school purposes of the section to such a proportion of the proceeds of the sale, as the assessed value of the property of the ratepayers so transferred bears to that of the whole number of ratepayers of the school section to which they belonged before the separation; and the residue of such proceeds shall be applied to the erection of a new school house or to other public school purposes in the old school section.

Application of proceeds where ratepayers transferred from one section to another.

(3) In the case of united sections, the proceeds shall be applied to the public school purposes of the united section. 1 Edw. VII. c. 39, s. 44.

Application of proceeds in union sections.

VALIDITY OF SCHOOL ARRANGEMENTS AND PROCEEDINGS.

20.—(1) Whenever a school section or a union school section has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law or not, it shall be conclusively deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such section had been formed thereunder, unless, in the meantime, proceedings have been taken calling in question the legal status of such section and notice thereof has been given to the persons who, according to the practice of the Court in which the proceedings are taken, ought

School sections and union sections confirmed.

ought to be served with notice thereof, and such proceedings shall result in its being determined that such section has not been legally formed.

Proceedings
for formation
etc., validated.

(2) No proceeding in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section and no arbitration or award in reference thereto or as to any matter which by the provisions of this Act are to be or may be determined by arbitration shall be deemed to be invalid or shall be set aside because of the failure to comply with the provisions of this Act applicable to such proceeding, arbitration or award unless in the opinion of the tribunal before which such proceeding, arbitration or award is called in question, the same, if allowed to stand, will cause substantial injustice to be done to the persons affected thereby or some of them.

Jurisdiction
of county or
district judge.

(3) Should any question arise touching the validity of the proceedings in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, or touching the selection adoption or change of a school site, or touching any by-law of the council of any municipal corporation in any way relating to such matters or any or either of them or touching any arbitration or award heretofore or hereafter had or made under the provisions or authority of this Act, the same shall not be raised or determined by action or proceeding in the High Court, but shall be raised, heard and determined upon a summary application to the Judge of the county or district court of the county or district in which such school section or some part thereof is situate, and the decision of such Judge shall be final and conclusive, unless special leave to appeal therefrom shall be given by the High Court or a Judge thereof, and if such leave be given an appeal shall lie to the High Court upon questions of law only, upon and subject to such terms and conditions as the Court or Judge giving the leave shall prescribe. 6 Edw. VII. c. 53, s. 29.

Appeals where
county judge
is arbitrator.

(4) Where the question touches an arbitration or award to which the Judge has been a party, the application shall be heard and determined by the Judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census. 7 Edw. VII. c. 51, s. 12.

UNION SCHOOL SECTIONS.

What unions
may be
formed.

21.—(1) A union school section may be formed between parts of two or more adjoining townships, or a union may be formed between parts of one or more townships and an adjoining urban municipality not being a city or a separated town, and in such case the union shall be considered an urban municipality.

(2) A union school section may be formed, altered or dissolved on the petition of five ratepayers from each of the municipalities concerned, to their respective councils, asking for the formation, alteration or dissolution of the section.

Procedure for formation, alteration or dissolution of union.

(3) Each of the councils so petitioned may appoint an arbitrator who shall not be a member of the council, and notice of the appointment shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned who shall also be arbitrators.

Appointment of arbitrators.

(4) A council may act upon a petition addressed to the councils concerned or to any two or more of them jointly, if such petition is signed by five ratepayers of the municipality acting thereon.

Petition to council.

(5) Where there would otherwise be an even number of arbitrators, the Judge of the county or district court, or some person named by him, shall be added, and where the arbitration affects two or more counties or districts, the Judge of the county or district court of the county or district which has the largest population according to the last Dominion census, or some person named by him shall be added.

Where even number of arbitrators appointed county judge to act.

(6) The arbitrators, or a majority of them, may make and publish the award.

Majority of arbitrators may make award.

(7) The first meeting of the arbitrators shall be called by the senior inspector who shall give ten days' notice in writing of such meeting to the clerks of the municipalities concerned, who shall forthwith notify the arbitrators appointed by their respective councils.

First meeting of arbitrators.

(8) Where the arbitrators determine upon the formation of a new union section, or upon the alteration of the boundaries of an existing union section, they shall in their award set forth the specific parcels of land to be included in such new union section, or in such altered section as the case may be.

Award, what to contain.

(9) In the event of the transfer of any land from an existing union section to some other section the arbitrators shall in their award set forth to what other section such transfer shall be made.

Award to set out land transferred.

(10) Where the arbitrators determine upon the dissolution of an existing union section they shall set forth in their award the section or sections to which the land composing such union section shall be attached.

In cases of dissolution.

(11) Where the arbitrators are of opinion that it would be in the interests of the parties concerned, and that it is practicable so to do, they may form part of the territory of a section into a new section, or form a new union section, and they shall indicate the land of which such section

Reorganizing union section.

section or union section shall be composed, and the remainder of the union section shall be disposed of as herein provided.

To fix proportions of liabilities.

(12) Where a new union section is formed or an existing union section is altered the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection of the school house and the maintenance of the school and other necessary expenses.

Adjustment of claims.

(13) The arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of a union section between the respective municipalities, school sections and ratepayers concerned, and shall also determine in what manner and by what municipality or municipalities or by what parts thereof the same shall be paid and the money to be paid by one part of the municipalities or school sections concerned to the union section so formed or altered, and the disposition of the property of the union section, and any payment by one part to the other and the right of any ratepayer affected by the award.

Calling first meeting to elect trustees.

(14) Where a new union section is formed, the inspector authorized under subsection 7 to call the first meeting of the arbitrators, shall call the first meeting of ratepayers for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act.

Not to take effect till the 25th of December except for certain purposes.

(15) Such union, alteration or dissolution, except as herein otherwise provided, shall not take effect until the 25th day of December, after the award or a certified copy thereof is filed with the clerks of the municipalities concerned, but the trustees may at any time after their election raise money for and may acquire a school site, erect school buildings and provide school equipment.

Reconsideration of union school section award.

(16) A union school section shall not be altered or dissolved for a period of five years after the award has gone into operation, whether the award does or does not change the boundaries of existing sections, but nothing herein shall prevent a municipal council from enlarging the boundaries of a union section as may be deemed expedient. Provided always that two-thirds of the ratepayers of a union section may, at the expiration of three years from the date of its formation, petition the municipal council or councils concerned for a reconsideration of the award for the formation of the section, and the proceedings shall be the same as in the case of a petition under subsection 2.

New arbitration after three years.

(17) Where an award, whether for or against the formation of a new union school section, has not been acted upon, the

the proceedings mentioned in subsection 1 may be taken at any time after the expiration of three years after the award was made.

(18) Where an award, whether for or against the formation of a new union school section, has been adjudged illegal or void, the proceedings mentioned in subsections 1 and 2 may be taken at any time after the expiration of the time for appealing against the judgment or decision or after the disposition of any appeal therefrom. 1 Edw. VII. c. 39, s. 46; 4 Edw. VII. c. 30, ss. 5 and 6.

New arbitration when award set aside.

(19) In a provisional judicial district,

(a) A union school section may be formed of an organized township or part thereof and an unorganized township or locality or between a town and a part of an organized township or an unorganized township or locality and may be altered or dissolved, and in such case the petition of the ratepayers of the part of such proposed union section not included in the organized township shall be presented to the inspector.

Union section partly in organized and partly in unorganized township in territories.

(b) The arbitrators shall consist of a person appointed by the council of the organized township, the inspector of the district and the Judge of the district court, or some person named by him, and they shall have all the powers of the board of arbitrators mentioned in the preceding subsections of this section, all of which, so far as applicable, shall apply to the subject matter of this subsection. 1 Edw. VII. c. 39, s. 27 (7).

(20) The powers conferred by this section may be exercised notwithstanding that the period fixed by subsection 2 of section 15 or by subsection 1 of section 30 has not expired. 1 Edw. VII. c. 39, s. 55 (3).

Alterations of school boundaries not to affect unions.

22.—(1) Where the territory which it is proposed to form into a union section or where the union section which it is proposed to alter or dissolve, lies wholly within a county the board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council from any award made by the arbitrators either for or against the formation, alteration or dissolution of such section or against the neglect or refusal of the township council or councils concerned to appoint arbitrators, as provided in section 21.

Appeal relating to union school within a county.

(2) On receipt of such appeal the county council shall have power to appoint not more than three arbitrators, who shall neither be ratepayers in the territory or school section concerned

Appointment of arbitrators by county council.

concerned, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 21, and the decision of a majority of them shall be final and conclusive.

Calling first meeting of arbitrators.

(3) The first meeting of such arbitrators shall be called by the county clerk. 1 Edw. VII. c. 39, s. 47.

Appeal relating to union school within two or more counties.

23.—(1) Where the territory which it is proposed to form into a union section, or where the union section which it is proposed to alter or dissolve, lies in more than one county, the board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal to the Minister from any award made by arbitrators for or against the formation, alteration or dissolution of such section, or against the refusal or neglect of the township council or councils concerned to appoint arbitrators.

Powers of Minister

(2) The Minister shall have power to alter, determine or confirm such award, or where no award has been made, then at his discretion to appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 21, and the decision of a majority of them shall be final and conclusive.

First meeting of arbitrators.

(3) The first meeting of the arbitrators shall be called by the Minister. 1 Edw. VII. c. 39, s. 48; 6 Edw. VII. c. 53, s. 30.

Collection of rates in union school sections.

24. The collectors of each municipality in which a part of a union section is situate shall collect the school rates for that part; and the amount collected from the ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and the treasurer shall pay over the same without any charge or deduction to the board entitled thereto. 1 Edw. VII. c. 39, s. 49.

School sections when municipality divided.

25. Where a township is divided for municipal purposes, all school sections which, in consequence of such division, are situate partly in each of the newly formed municipalities, shall be deemed union sections until otherwise altered under the provisions of this Act. 1 Edw. VII. c. 39, s. 50.

Election of trustees, and inspection of union school sections.

26. Every union school section shall, for the purpose of the election of trustees, be deemed one section, and in respect to inspection shall be deemed to be within the municipality in which the school house is situate, or if there are two or more school houses then in that municipality within which a school house is situate, which has the largest amount of property assessed for public school purposes. 1 Edw. VII. c. 39, s. 51.

27. Where a union school section includes an urban municipality divided into wards and part of an adjoining township, the board shall by resolution determine in which ward or wards the ratepayers of the township shall vote for the election of school trustees and on other school questions, and in the absence of any such resolution, then such part of the township shall be considered for all election purposes as attached to the adjacent ward, and if two or more wards are adjacent any such ratepayer may vote in either of such wards. 1 Edw. VII. c. 39, s. 52.

Where rate-payers to vote when municipality divided into wards.

28.—(1) Where part of a township becomes incorporated as or is annexed to and becomes part of an urban municipality, such part shall for all school purposes be deemed to be part of the urban municipality, provided that when the part incorporated or annexed comprises or includes part only of a school section, the municipalities interested, unless determined by agreement after the incorporation or annexation, shall each appoint an arbitrator, who, with the Judge of the county or district court, shall value and adjust in an equitable manner the rights and claims of all parties thereby affected, and shall determine by which municipality or part thereof, the same shall be paid or settled.

Where part of a township is annexed to a city.

(2) The award shall be final and conclusive, and any money found due, either by agreement or under the award, shall be deemed public school moneys and shall be payable out of the property taxable for public school purposes in that part of the school section situate within the indebted municipality.

Effect of award

(3) The provisions of section 44 shall not apply to the money required to be paid under the award or agreement and debentures may be issued to be payable out of the property so taxable without calling a special meeting of the electors, and upon the terms and conditions set forth in a by-law of the council of the municipality.

Issue of debentures.

(4) Subject to the provisions of this Act as to the alteration of school boundaries and the formation of union school sections where a part of a township so incorporated or annexed includes part only of a school section, the part remaining shall constitute a school section by the same name as before the incorporation or annexation and the school corporation shall continue, and the trustees who are in office at the time of such incorporation or annexation shall continue in office until their successors are elected and shall be the Board of Public School Trustees for the part of the section not so included in the urban municipality. The trustees may resume office or be elected for the section, in case the Board has been disbanded, and action may be taken by the township council at any time,

Where part only of a school section is annexed.

as provided by this Act, to readjust the boundaries of the portion of the section that is not included in the urban municipality.

(5) Where urban municipalities become united, all the assets and liabilities of the board of each municipality shall be vested in and assumed by the board of the united municipality. 1 Edw. VII. c. 39, s. 53.

MAINTENANCE OF UNION SCHOOLS.

29.—(1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per cent. of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section, is situate, shall, after they have completed their respective assessments and before the first day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which such section lies.

(2) The meeting of the assessors shall be called by the assessor of the municipality in which the school-house is situate.

(3) Where there are more assessors than one, the head of the municipal corporation shall name the assessor who shall act.

(4) Notice of the determination shall be given forthwith to the secretary of the board, and to the clerk of each municipality.

(5) Where the assessors disagree, the inspector in whose inspectorate the union section is situate, and the assessors shall be arbitrators to determine the matter and report to the secretary of the board and to the clerk of each municipality, on or before the first day of July.

(6) Where the union section is composed of parts of two adjoining counties, then on the disagreement of the assessors the inspector of the county in which the school-house of the section is situate shall act with the assessors.

(7) The decision of a majority of the arbitrators shall be final and conclusive until the next equalization of assessments takes effect.

(8) The assessors or, in the case of an arbitration, the arbitrators on the request in writing of the inspector or of five ratepayers, may within one month after the report of the determination or award to the secretary of the board correct any omission or error in the terms in which the determination

Adjustment of assets and liabilities upon union of municipalities.

Assessors to determine proportion

Meeting of assessors to determine proportion.
Where there are more assessors than one.

Notice of determination.

Arbitration where assessors disagree.

When school section lies in two counties.

Duration of decision of assessors.

Reconsideration of award.

determination or award is expressed. 1 Edw. VII. c. 39, s. 54; 3 Edw. VII. c. 32, s. 3.

(9) The costs of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in the same proportion as the equalized assessments bear to each other. 3 Edw. VII. c. 32, s. 4. Cost of assessors and arbitrators.

CONFIRMATION OF BY-LAWS AND AWARDS.

30.—(1) A by-law of a municipal council for forming, altering or dissolving a school section, and an award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding for a period of at least five years, or, in case of a consolidated school section, for a period of at least three years, notwithstanding any defect in substance or form, or in the manner or time of passing or making the same, unless notice of an application to quash such by-law or to set aside such award is given to the township clerk within one month after the publication of such by-law or award, and the same is subsequently quashed or set aside. By-law altering sections to be valid unless notice to quash given.

(2) Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary of each board of trustees affected thereby. 1 Edw. VII. c. 39, s. 55 (1, 2); 8 Edw. VII. c. 67, s. 8. What deemed publication of by-law.

SECOND SCHOOLS MAY BE ESTABLISHED IN SECTIONS WHERE ROADS IMPASSABLE.

31.—(1) Where it appears to the Minister that owing to the condition of the roads or other causes, the public school in any school section in any township is inaccessible, during certain months of the year, to any of the pupils entitled to attend such school, the Minister may require the council to form a new school section or the board to provide a second school in their section. Establishment of second school.

(2) The Minister may provide that the second school be opened during such months of the year as he may deem necessary and may prescribe the area from which pupils shall have the right to attend such second school. Minister may determine months in which second school to be open.

(3) Any grant in either case from the assisted school fund shall be supplemented by equal amounts from the townships and county councils. Grant.

(4) The provisions of subsection 1 of section 7 shall not apply to a school established under this section, but nothing herein shall relieve the pupils attending such second school from attendance at the public school of the school section during those periods of the school year in which Attendance at school when second school closed.

which the second school is closed, nor relieve the board of such school section from the duty of providing school accommodation for such pupils during such periods. 4 Edw. VII. c. 30, s. 17.

SECTIONS IN UNORGANIZED TOWNSHIPS.

Formation of school sections.

32.—(1) The inspector may form an unorganized township or part of an unorganized township, or parts of two or more adjoining unorganized townships into a school section.

Limits of section.

(2) The section shall not, in length or breadth, exceed five miles, and subject to this restriction, the boundaries may be altered by the inspector from time to time.

Petition.

(3) A school section shall not be formed or altered except on the petition of five heads of families resident within the territory affected.

Inspector may transfer land to contiguous school section.

(4) The inspector on the petition of any head of a family who has a child attending school and who lives in one school section on land contiguous to another school section, may alter the boundaries of such sections so as to transfer such land from one section to the other, but such transfer shall not relieve the land from any taxation required to meet a liability incurred prior to the transfer, nor shall it be made unless in the opinion of the inspector it is more convenient for the child to attend the school in the section to which the transfer is requested.

Exemption from rate on account of distance.

(5) A person whose place of residence is distant more than three miles by the nearest public highway from the school of the section shall be exempt from all rates for school purposes, unless a child of such person attends such school; but this exemption shall not apply to lands liable to taxation for school purposes owned by such person within such distance.

Election of school trustees

(6) After the formation of a section, any two of the petitioners may, by notice posted for at least six clear days in not less than three of the most public places in the section, appoint a time and place for a meeting for the election of three school trustees for the section.

Trustees' powers and obligations.

(7) The trustees elected at such meeting, or at any subsequent school meeting of the section, shall have the powers and be subject to all the obligations of public school trustees, and may at any time after their election take the proper steps, in accordance with the provisions of this Act, to raise funds for, and purchase a school site and erect school buildings and provide equipment for the school, but in other respects any alteration of the boundaries of a section shall go into operation on the 25th day of December, next after such alteration, and not before. 1. Edw. VII. c. 39, s. 25; 7 Edw. VII. c. 51, s. 6.

Revision

Revision of Assessment Rolls.

33.—(1) The inspector shall divide the school sections into groups of three or as near thereto as practicable, and shall notify the secretary of each section of the group to which it belongs, and the grouping may be changed from year to year as the inspector may direct.

Sections to be divided into groups.

(2) The treasurers of the boards in a group shall constitute a court for the revision of the school assessment rolls of the sections in the group, and for the hearing and determination of any appeals against the same, and the members of such court shall be paid reasonable travelling expenses by their respective boards for their attendance.

Court of Revision.

(3) Where from the sparseness of settlements, it would be inconvenient for a court of revision to meet for the revision of the assessment roll of any section, the inspector, on the request of any board may assume the functions of a court of revision for the section on behalf of which the request is made, and all the proceedings of the inspector in the matter shall be subject to the provisions of this Act, and shall have the same effect as if made in a court of revision constituted under subsection 2. 1 Edw. VII. c. 39, s. 26.

When inspector to act as court of revision.

34.—(1) The board shall, annually, at their first meeting and not later than the first day of March in each year, appoint an assessor, who may be one of themselves, to prepare an assessment roll for the section, and the secretary shall submit a certified copy of the same to the proper court for revision.

Annual assessment roll.

(2) The assessor shall notify every person assessed by leaving a notice containing the particulars of his assessment at his place of residence, or, if a non-resident, by mailing the same by registered post to his last known address, or, if his address is unknown, by posting up the same in the post office nearest to the land assessed.

Notice of assessment.

(3) The assessor shall be subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable property in the section, and shall, before returning his assessment roll to the secretary of the board, attach thereto a certificate signed by him and verified upon oath according to the form prescribed in *The Assessment Act*.

Assessor to make oath.

4 Edw. VII., c. 28.

(4) The assessor shall return the assessment roll to the secretary not later than the first day of June of the year in which the assessment is made.

Return of roll.

(5) A copy of the roll so certified shall be open to inspection by all persons interested, at some convenient place in the section, notice whereof, signed by the secretary

Appeal against assessment.

retary shall be posted up by him in at least three of the most public places in the section, and shall state the place and the time at which the court will hear appeals against the assessment.

Posting up
notice.

(6) The notice shall be posted up for at least three weeks before the time appointed for hearing the appeals, and shall be mailed by registered post to the last known addresses of non-resident ratepayers. 1 Edw. VII. c. 39, s. 27 (1, 2, 3).

Manner of
appeal.

(7) Subject to the provisions of clauses (a) and (b), all appeals and the proceedings thereon shall be the same as nearly as may be as in the case of appeals to a court of revision from municipal assessments, and the court of revision shall have the same powers as municipal courts of revision.

(a) The notice of appeal shall be given to the treasurer of the board within one month after the delivery, mailing and posting up of the notice provided for by subsection 2.

(b) The court may appoint a competent person to be its clerk for each section or one for all the sections.

School census.

(8) The assessor when making his assessment, shall enter in a book, to be provided by the board, the name, age and residence of every child between the ages of 8 and 14 years, resident in the section and the name and residence of such child's parent or guardian and shall with the assessment roll return the book to the secretary.

Census of per-
sons entitled to
attend school.

(9) The assessor shall make a census of all the children in the section between the ages of 5 and 16 years and between the ages of 5 and 21 years and shall make a return thereof to the secretary with the assessment roll: and the secretary shall include the same in his annual report to the inspector.

Confirmed roll
binding.

(10) The roll, as finally passed and signed by the chairman of the court of revision, shall be binding upon the trustees and ratepayers of the section, until the roll for the succeeding year is passed and signed as aforesaid. 1 Edw. VII. c. 39, s. 27 (5).

Assessment of
portion of
unorganized
township
forming part
of union
school section.

35. Any part of an unorganized township which forms part of a union section, the remainder of which is an organized municipality or part of an organized municipality, shall for public school purposes be deemed to be annexed to such organized municipality, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of

of the unorganized township forming part of such union section as with respect to any part thereof which lies within the organized municipality. 4 Edw. VII. c. 30, s. 16 (1).

36.—(1) In unorganized townships, the board of a section may issue debentures, for the purchase of a school site and the erection of a school house, for such amounts and for such term of years, not exceeding 30, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided by *The Consolidated Municipal Act, 1903*,^{3 Edw. VII., c. 19.} provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section.

(2) The debentures shall be signed by the trustees, and shall be sealed with the corporate seal of the board, and shall be a charge upon the taxable property of the public school supporters of the section. 1 Edw. VII. c. 39, s. 33.

Collector.

37.—(1) The board may appoint some competent person who may be a member thereof, to collect the rates imposed by them upon the ratepayers of their section, or the sums which the inhabitants or others may have subscribed, and may pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every collector shall give security satisfactory to the board and the security shall be lodged for safe keeping with the inspector.

(2) Every collector shall have the same powers in collecting the school rate, or subscriptions, and shall be under the same liabilities and obligations, and proceed in the same manner in the section or township, as a township collector in collecting rates in his township, as provided by *The Assessment Act*. 1 Edw. VII. c. 39,^{4 Edw. VII., c. 23.} s. 29.

(3) The collector shall, on or before the first day of June in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the county or district, showing each lot or parcel assessed, upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of such return with the year for which the rates so in arrear were imposed.

(4) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

(5)

Payments of
arrears there-
after.

(5) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the same became due, but in the case of payments made before the expiration of such period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book kept by him.

When arrears
to be paid to
sheriff.

(6) After the expiration of such period all such arrears shall be payable to the sheriff, who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board.

Sale of land
for arrears.

(7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the same became payable the sheriff shall proceed to collect the same by the sale of the lands assessed and the procedure in relation to such sale and the provisions applicable to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities. 7 Edw. VII. c. 51, s. 7.

SCHOOLS IN UNSURVEYED DISTRICTS.

Schools in
unsurveyed
districts.

38.—(1) In any part of the Province not surveyed into townships, five of the inhabitants thereof who are twenty-one years of age, may call a public meeting of such inhabitants, by giving such notice of the meeting as the public school inspector shall direct.

Election of
trustees.

(2) The meeting may elect three of the inhabitants to serve as public school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of this Act.

Notice to the
Minister of
Education.

(3) On receipt of a report from the inspector that a public school has been established and suitable accommodation and equipment provided for public school purposes, the Minister may pay over to the trustees out of the appropriation made by the Legislature for public schools such sum of money for the maintenance of such school as may be approved by the Lieutenant-Governor in Council. 1 Edw. VII. c. 39, s. 28.

EXEMPTIONS.

Exemption by-
laws not to in-
clude school
taxes.

39. No by-law of a municipal council passed after the 14th day of April, 1892, or hereafter passed, for exempt-
ing

ing any part of the rateable property in the municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind. 1 Edw. VII. c. 39, s. 77.

Exemption by by-law not to affect liability for school rates.

RETURN OF ANNUAL CENSUS.

40.—(1) The clerk of every county shall make a return to the Minister showing the population of each local municipality within the county, and the clerk of every city and of every separated town shall make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous years, such returns to be made on or before the first day of April in each year. 1 Edw. VII. c. 39, s. 73.

Clerks to make returns of population.

(2) The clerk of every county shall furnish the inspector forthwith on demand with such school statistics in regard to assessments as the Minister may direct. 7 Edw. VII. c. 51, s. 23.

Clerk to furnish inspector with school statistics.

41.—(1) The clerk of every township shall give to the inspector when requested by him, a statement of the assessed value of each school section as shown by the last revised assessment roll, and at the request of any board shall furnish them with a statement shewing the several parcels or lots of land composing the school section, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel or lot, and the number of children between the ages of five and sixteen years in each section, and the cost of preparing this statement shall be paid by the board applying for the same. 1 Edw. VII. c. 39, s. 72 (2).

Clerk to give copy of assessment to inspector.

(2) The clerk of every township in which a section is situate, which is wholly or in part united to an urban municipality, shall give to the clerk of the urban municipality such information as may be required regarding population and assessment in connection with such section.

Statement to be furnished to board by clerk.

APPORTIONMENT OF INVESTMENTS BY TOWNSHIPS.

42. The council of every township may by by-law apportion among the school sections in the township, the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid to the teachers engaged by the respective boards during the past year, or according to the average attendance of pupils in each section during the same period. 1 Edw. VII. c. 39, s. 71 (4).

Apportionment of school money by township councils.

DEBENTURES.

In Urban Municipalities.

Debentures for
school purposes

43.—(1) The council of an urban municipality, on the application of the board, may pass a by-law for borrowing money by the issue and sale of debentures for any one or more of the following purposes: The purchase or enlargement of a school site, the erection of a school house, drill hall, gymnasium or teacher's residence, or any addition to the same or any of them, or for repairs or improvements of the school property, or for the purchase of furniture, furnishings, school apparatus, a school library and other equipment.

Debentures to
be chargeable
only on prop-
erty of public
school sup-
porters.

Submission
of question
to vote of
electors.

(2) The debentures and the money to be raised annually for payment thereof shall be chargeable only upon the property of ratepayers who are supporters of public schools.

(3) Where the council refuses to pass such a by-law the question shall be submitted by the council, if requested by the board, to the vote of the electors qualified to vote under *The Consolidated Municipal Act, 1903*, on by-laws for the creation of debts, and who are supporters of public schools, in the manner therein provided, and on the assent of such electors being obtained the council shall pass the by-law and issue such debentures. 3 Edw. VII. c. 32, s. 5; 6 Edw. VII. c. 53. s. 42.

Form and
term of
debenture.

3 Edw. VII.,
c. 19.

(4) The debentures may be for such amount, and for such term of years, not exceeding thirty, as the council sees fit, or the council may make the principal and interest payable by annual or other instalments, in the manner provided in *The Consolidated Municipal Act, 1903*.

Where applica-
tion is made by
urban board
and part of
township
attached.

(5) The application for the issue of debentures by the board of an urban municipality to which part of an adjoining township is attached shall be subject to the provisions of this section. 1 Edw. VII. c. 39, s. 76 (2, 3).

In Rural Sections.

Township
school debentures.

44.—(1) On the application of a rural school board for the issue of debentures for any of the purposes mentioned in the next preceding section the council of the township shall pass a by-law therefor, and shall forthwith issue debentures to be payable out of the taxable property of the public school supporters of the section in such annual amounts as they may deem expedient, provided always that the proposal for the loan has been submitted to and sanctioned at a special meeting of the ratepayers, called for the purpose. 1 Edw. VII. c. 39; s. 74 (1); 2 Edw. VII. c. 40, s. 6; 6 Edw. VII. c. 53, s. 41 (1).

(2) The application for a loan, for any of such purposes, shall be made by the board of a union school section to the council of the municipality within which the school house or school site of such section is situate, and all debentures for the payment of the loan shall be issued by such municipality.

Applications for loans to be made to, and debentures issued by council.

(3) The application must be sanctioned by the rate-payers of the school section in the manner set forth in subsection 1.

Application must be sanctioned by rate-payers.

(4) Any other municipality or municipalities forming, or any part of which forms, part of the union section shall, on the requisition of the clerk of the municipality by which the debentures were issued, pay its or their share of the loan, including interest, as it comes due according to its or their liability as determined by section 29.

Municipality forming part of union section to pay its proportion.

(5) The proportion of the moneys payable by each of the municipalities shall be payable out of the taxable property of the public school supporters therein lying within the section. 1 Edw. VII. c. 39, s. 74 (2); 6 Edw. VII. c. 53, s. 41 (2).

How payable.

(6) The expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such section. 1 Edw. VII. c. 39, s. 74 (4).

Expenses of publishing by-laws.

(7) Notwithstanding any alteration which may be made in the boundaries of a section, the taxable property of the public school supporters situate therein at the time when such loan was effected, shall continue to be liable for the rate which may be levied for the repayment of the loan. 1 Edw. VII. c. 39, s. 74 (3).

Liability for loan.

45.—(1) A rural school board may require the council to raise by one yearly rate such sums as may be necessary for the purchase or enlargement of a school site, or the erection of a school house, or an addition thereto, or a teacher's residence.

School property may be paid for by one special rate.

(2) A municipal council shall not levy or collect during any one year more than one school rate except for one or more of the purposes mentioned in subsection 1. 1 Edw. VII. c. 39, s. 75.

Council not to levy more than one rate except in certain cases.

BORROWING BY TRUSTEES.

46. A rural school board may, with the consent of the ratepayers first obtained at a special meeting called for that purpose, by resolution authorize the borrowing from any

School corporations may borrow surplus moneys.

any municipal corporation of any surplus moneys derived from the Ontario Municipalities Fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution, for any one or more of the following purposes: the purchase or enlargement of a school site, the erection of a school house, drill hall, gymnasium, or teacher's residence, or any addition to the same or any of them, and any sum so borrowed shall be applied only to the purpose for which it was borrowed. 1 Edw. VII. c. 39, s. 78; 6 Edw. VII. c. 53, s. 43.

RATES.

Councils to
levy sums
required by
trustees.

3 Edw. VII.,
c. 19.

4 Edw. VII.,
c. 23.

47.—(1) The council of every local municipality shall levy and collect upon the taxable property of the public school supporters of the municipality (or of the sections in the case of rural schools), in the manner provided in this Act, and in *The Consolidated Municipal Act, 1903*, and *The Assessment Act*, such sums as may be required by the board for school purposes; and shall pay the same to the treasurer of the board from time to time as may be required by the board.

and to account
for same.

(2) Every municipal council shall annually account for all moneys collected for public school purposes, and pay over the same to the school board of the municipality or of the section.

Excess to be
credited to
school board.

(3) Where the municipal council collects from the public school supporters of any municipality or of a school section any sum in excess of the sums disbursed on account of the public school or schools within such municipality or section, such excess shall be credited to and paid over to the board on whose account it has been collected. 1 Edw. VII. c. 39, s. 71 (1); 6 Edw. VII. c. 53, s. 40; 7 Edw. VII. c. 51, s. 18.

Establishment
of libraries.

(4) The council of every municipality may, in addition to the sums required by a board to be collected, raise by assessment such other sums as it may deem expedient for the establishment and maintenance of a school library, or for aiding new or weak schools or continuation schools or fifth classes within such municipality, or for supplementing teachers' salaries or retiring allowances.

Correction of
errors in col-
lection of rates
in previous
years.

(5) Every municipal council shall correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be, to the end that no property shall escape from or be compelled to pay more than its proper proportion of the rate. 1 Edw. VII. c. 39, s. 71, (2, 3).

RURAL SCHOOL SECTIONS.

48.—(1) Where not already so subdivided the municipal council of every township shall subdivide the township into school sections so that every part of the township shall be included in some section, and shall distinguish each section by a number.

School sections in townships.

(2) Where the land or property of any person is situate within the limits of two or more sections, the parts so situate shall be assessed and returned upon the assessment roll separately, according to the divisions of the school sections within the limits of which the same are situate.

Assessors to value lands situated in each section.

(3) No section shall be formed which contains less than fifty children, between the ages of five and twenty-one years, whose parents or guardians are residents of the proposed section, unless such proposed section is more than four square miles in area, provided that a smaller area, although it contains a less number of such children, may be formed into a school section where, because of lakes or other physical conditions, a section convenient for school purposes containing an area of more than four square miles cannot be formed.

Area of new school sections.

(4) Every township clerk shall prepare in triplicate, a school map of the township, showing the divisions of the township into school sections and parts of union school sections; and shall furnish one copy to the county clerk, for the use of the county council, one to the county or district school inspector and retain the other in his office, for the use of the township council, and shall furnish annually, on or before the first day of December, to the local inspector, information in writing of the acreage, the assessed value, the rate for school purposes and the school population between the ages of five and twenty-one years of each section or part of a union section within the township. 1 Edw. VII. c. 39, s. 12 (1 to 4); 6 Edw. VII. c. 53, s. 8.

Township clerk to prepare maps of school sections.

RURAL SCHOOL TRUSTEES.

49.—(1) The trustees of every rural school section shall be a corporation by the name of "The Public School Board of Section No. of the Township of in the County of ," inserting the number of the section and the names of the township and county.

Trustees to be corporation.

(2) For every rural school section there shall be three trustees each of whom, in rotation, shall, except as herein otherwise provided, hold office for three years and until his successor has been elected.

Trustees, term of office of.

(3) The persons qualified to be elected trustees shall be such persons as are British subjects and resident ratepayers

Trustees, qualification of.

ers

3 Edw. VII.,
c. 19.

ers or resident farmers' sons, within the meaning of *The Consolidated Municipal Act, 1903*, of the full age of twenty-one years, not disqualified under this Act, and no person not so qualified shall be elected or competent to act as trustee. 1 Edw. VII. c. 39, s. 10 (1, 2).

Elections in
new sections.

50.—(1) At the first election in every new section, the first trustee elected shall hold office for three years, the second for two years, and the third for one year; or in case of a poll being taken, the trustee receiving the highest number of votes shall hold office for three years; the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year.

Casting vote.

(2) Where two or more trustees have received an equal number of votes the chairman shall give a casting vote or votes.

When first year
to be deemed
to commence
and end.

(3) The first year in each case shall be deemed to commence at the date of such first election and extend till the date fixed by this Act for holding the second annual meeting of ratepayers thereafter. 1 Edw. VII. c. 39. s. 12 (6); 6 Edw. VII. c. 53, s. 10.

Corporation
not to cease
by want of
trustees.

51. A school corporation shall not cease to exist by reason of the want of trustees, but if there are no trustees any two ratepayers of the section, or the inspector, by giving six days' notice, to be posted up in at least three of the most public places of the section, may call a meeting of the ratepayers, who shall elect three trustees, in the manner prescribed by this Act. 1 Edw. VII. c. 39, s. 10 (3).

Council may
appoint trustees
when no
election.

52.—(1) Where the ratepayers of a section, for two years neglect or refuse to elect trustees, the council of the township may appoint trustees for the section, one for three years, one for two years, and the third for one year, to be reckoned from the date upon which the last election should have been had by the ratepayers, and may fill the vacancies on the board so long as the ratepayers neglect to do so.

Dissolution of
school section
on non-election
of trustees.

(2) Instead of appointing trustees the council may by by-law declare the section dissolved and attach the same, in such proportions as they may deem expedient, to adjoining sections, and the assets of the section shall be disposed of as may be determined by the council. 1 Edw. VII. c. 39, s. 10 (4).

MEETINGS OF RATEPAYERS.

Annual meeting,
when held.

53.—(1) A meeting of the ratepayers of every section for the purpose (among other things) of electing trustees, shall be held annually on the last Wednesday of December, commencing at the hour of ten o'clock in the forenoon,
at

at such place as the board shall by resolution determine or in the absence of such resolution at the school house of the section. 1 Edw. VII. c. 39, s. 14 (1).

(2) Where a new section is formed the clerk shall fix the place for the first meeting, and shall call the same for the fourth Wednesday after the time for appealing against the by-law forming the section has expired or after the final disposition of the appeal, if any, by causing notices to be posted up in three of the most public places in the new section at least six clear days before the date when the meeting is to be held.

Proceedings on formation of new school section.

(3) The meeting shall be held at the same hour and conducted in the same manner as the annual meeting in organized sections.

Time and conduct of meeting.

(4) At any time after the election of trustees in a new school section, proceedings may be taken under the provisions of this Act to raise money for and acquire a school site, erect school buildings and provide school equipment. 1 Edw. VII. c. 39, s. 12 (5); 6 Edw. VII. c. 53, s. 9; 7 Edw. VII. c. 51, s. 3.

Procedure after election of trustees in new section.

(5) When any school meeting has not been held at the proper time, the inspector, or any two ratepayers in the section, may call a meeting of the ratepayers by giving six clear days' notice, to be posted up in at least three of the most public places in the school section; and the meeting so called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Meeting to be called in default of first or annual meeting.

(6) The ratepayers present at a school meeting shall elect one of their number as chairman, and shall also appoint a secretary, who shall record the minutes of the meeting, and perform such other duties as are required of him by this Act.

Organization of meeting.

(7) The chairman shall submit all motions to the meeting in the manner desired by the majority, and shall be entitled to vote on any motion and in case of a tie the motion shall be declared to be negatived and he shall decide all questions of order, subject to an appeal to the meeting.

Chairman, duties of.

(8) The business of every school meeting may be conducted in the following order:—

Order of business.

- (a) Receiving the annual report of the trustees, and disposing of the same;
- (b) Receiving the annual report of the auditor, and disposing of the same;
- (c) Electing an auditor for the ensuing year;
- (d) Miscellaneous business;

(e)

(e) Instructing the trustees by resolution, if deemed expedient, to insure the school buildings and furniture;

(f) The election of trustees. 1 Edw. VII. c. 39, s. 14 (2, 3, 4, 5).

VOTING ON ELECTIONS OR SCHOOL QUESTIONS IN A RURAL SECTION.

Poll to be granted on application of two ratepayers.

54.—(1) A poll may be demanded by any two ratepayers at a meeting for the election of trustees, or for the settlement of any school question in a rural section, and such poll shall be granted by the chairman forthwith, if demanded within ten minutes after the result of a vote has been declared by the chairman. 1 Edw. VII. c. 39, s. 15 (1).

Proceeding in case of a poll.

(2) Where a poll is granted for the election of a trustee the secretary shall enter in a poll-book, in separate columns, the names of the candidates proposed and seconded, and shall write therein the names and residences of the ratepayers offering to vote within the time prescribed by this Act, and shall, in the column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name. 1 Edw. VII. c. 39, s. 15 (2); 6 Edw. VII. c. 53, s. 12.

Poll-book.

(3) Where a poll is granted on any school question the secretary shall prepare a poll-book with two separate columns marked respectively "for" and "against"; and shall write therein the name and residence of each ratepayer voting on the question; and shall record his vote by setting the figure "1" opposite his name in the proper column so as to show how he votes on the question. 6 Edw. VII. c. 53, s. 13.

When voter is objected to.

(4) If objection is made to the right of any person to vote, the chairman, if the name of such person appears on the assessment roll or on Part I. or Part II. of the Voters' List, shall require such person to make the following declaration:

Declaration.

(1) I, A. B., declare and affirm that I am an assessed ratepayer (or farmer's son entitled to vote under *The Consolidated Municipal Act, 1903*), in school section No.

(2) That I am of the full age of 21 years;

(3) That I am a supporter of the public school in said school section No. ; (or, in case of a claim to vote as a farmer's son) that my father (mother, step-father, step-mother, as the case may be) is a supporter of the public school in said school section No.

and

and that I have been a resident of said section for the past six months. (See 6 Edw. VII. c. 53, s. 14.)

(4) That I have the right to vote at this election.

Whereupon the person making such declaration shall be entitled to vote. 1 Edw. VII. c. 39, s. 15 (4).

(5) The poll shall not close before noon, but may close at any time thereafter when a full hour elapses without any vote being polled, and shall not be kept open later than four o'clock in the afternoon. When poll shall close.

(6) When the poll is closed the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and if there is a tie, the chairman shall give a second or casting vote. Counting votes — casting vote.

(7) In the case of an election of trustee the chairman shall then declare the candidate elected for whom the highest number of votes has been polled and in case of a vote on a school question, he shall declare the same adopted or negatived as the majority of votes is in favour of or against the same. Declaration of result.

(8) A correct copy of the minutes of every school meeting, and a copy of the poll-book where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the inspector. 1 Edw. VII. c. 39, s. 15 (5, 6). Copy of minutes to be sent to inspector.

(9) The secretary of every school meeting at which any person is elected as trustee shall forthwith notify him in writing of his election, and of the name and address of the chairman of the meeting, and every person so notified shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the date of election. 1 Edw. VII. c. 39, s. 15 (7); 6 Edw. VII. c. 53, s. 15. Acceptance of office by trustees.

(10) Where complaint is made to the inspector by a ratepayer that the election of a trustee, or that the proceedings or any part thereof of a school meeting, have not been in conformity with this Act, the inspector shall investigate the complaint, and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election, or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting; and it shall not be incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with the provisions of this Act if he is satisfied that the result Complaints as to elections.

result of such election or proceeding has not been affected thereby.

Clerk to supply
list of school
voters.

(11) The clerk of the municipality shall supply a list of the persons qualified to vote when required by the board or when required by the inspector in the case of an investigation with regard to the election of a trustee, or the proceedings of a school meeting. 1 Edw. VII. c. 39, s. 15 (8); 6 Edw. VII. c. 53, s. 16.

URBAN SCHOOL BOARDS.

Board to be a
corporation.

55.—(1) Every board in urban municipalities, shall be a corporation by the name of "The Public School Board" (prefixing to the words "Public School Board" the name of the municipality for which the board is elected).

Who may be
elected
trustees.

(2) Any ratepayer who is a British subject resident in the municipality of the full age of twenty-one years and not disqualified, may be elected a public school trustee, and every trustee except as otherwise herein provided, shall continue in office until his successor has been elected and the new board organized, and no person who is not a British subject shall be elected or competent to act as trustee. 1 Edw. VII. c. 39, s. 56.

First election
of trustees.

56.—(1) Where an unincorporated village becomes incorporated or a village or town changes its corporate status, the board having jurisdiction over the school property situate within such village, or town, before its incorporation or before the change of its corporate status shall exercise all the powers conferred by this Act upon the board of an urban municipality, until a new election of trustees is held.

First meeting
in newly
incorporated
village.

(2) Where an unincorporated village becomes incorporated the board shall call a meeting of the ratepayers within one month after the date of the incorporation for the election of a new board.

Procedure for
calling
meeting.

(3) In calling the meeting the provisions of section 60 shall be complied with so far as the same are applicable. 1 Edw. VII. c. 39, s. 57.

Municipalities divided into Wards.

Trustees in
city, etc.,
divided into
wards.

57.—(1) For every ward into which an urban municipality is divided there shall be two trustees, each of whom shall, except as otherwise provided in this Act, continue in office for two years, and until his successor has been elected and the new board organized. 1 Edw. VII. c. 39, s. 58 (1); 6 Edw. VII. c. 53, s. 31.

(2)

(2) After the first election of trustees in any ward or when from any cause the two trustees in any ward are elected simultaneously, one of them (to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes) shall hold office for one year and the other for two years, and after such first or simultaneous election one trustee shall be elected annually for each ward. 1 Edw. VII. c. 39, s. 58 (2); 6 Edw. VII. c. 53, s. 32.

In wards one trustee to retire each year.

Municipalities not divided into Wards.

58.—(1) The board of a town or village not divided into wards shall consist of six trustees, each of whom, except as otherwise provided in this Act, shall continue in office for two years and until his successor has been elected and the new board organized. 1 Edw. VII. c. 39, s. 59 (1); 6 Edw. VII. c. 53, s. 33 (1).

Trustees in villages not divided into wards.

(2) After the first election, three of the board (to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes) shall hold office for one year and the other three for two years, and after the first election three trustees shall be elected annually. 1 Edw. VII. c. 39, s. 59 (2); 6 Edw. VII. c. 53, s. 33 (2).

Term of office of first trustees.

QUALIFICATION OF VOTERS.

59.—(1) Every ratepayer of the full age of twenty-one years, who is assessed as a public school supporter in an urban municipality or in a school section, as the case may be, and every person qualified to vote as a farmer's son under *The Consolidated Municipal Act, 1903*, shall be entitled to vote at the election of school trustees and in a rural school section on all school questions. 1 Edw. VII. c. 39, s. 13.

Who may vote.

(2) Any person exempted from the payment of school rates wholly or in part on account of indigence shall be disqualified from voting. 6 Edw. VII. c. 53, s. 35.

No vote when exempted from school rates.

ELECTION OF TRUSTEES IN URBAN MUNICIPALITIES.

60. Subject to the provisions of section 61, elections of public school trustees in urban municipalities shall be held in the manner following:—

Provisions for elections of trustees.

(a) A meeting of the ratepayers for the nomination of candidates shall take place at noon on the last Wednesday in the month of December, annually, at such place as shall be fixed by resolution of the board, and in municipalities divided into wards

Nominations.

wards, in each ward thereof, if the board so directs.

Returning
officer.

- (b) The board shall by resolution before the second Wednesday in December in each year name the returning officers to preside at the meetings for the nomination of candidates, and also for holding the election in case of a poll, and in case of the absence of such officer a chairman chosen by the meeting shall preside, and the board shall give at least six days' notice of such meeting.

Proceedings at
nominations.

- (c) If at such meeting only the necessary number of candidates are proposed and seconded, the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected, and shall so notify the secretary; but if more candidates are nominated than are required to be elected, the returning officer or chairman shall adjourn the proceedings until the first Wednesday in January then next, when a poll or polls shall be opened at such place or places, and in each ward, where the municipality is divided into wards, as shall be determined by resolution of the board.

Hours of
polling.

- (d) The polls shall be opened at the hour of ten o'clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, but any poll may be closed at any time after eleven o'clock in the forenoon, when a full hour elapses without a vote having been polled;

In cities and
towns divided
into wards
clerk of municipality to
furnish voters'
list to public
school boards.

- (e) In urban municipalities, and where township boards exist, the clerk of the municipality shall furnish to the board, within three days after request in writing, "The Voters' List" of the municipality, together with a supplementary list either printed or in writing of the names of persons who are assessed as supporters of separate schools, and also a list of the names, alphabetically arranged, of all ratepayers who are not already upon "The Voters' List";

Certified copy
of list and a
poll book to be
provided for
each polling
place.

Entries in
poll book.

- (f) The board shall provide each polling place with such lists, and a poll book; and the returning officer or deputy returning officers, or the poll clerk, shall enter in such book in separate columns the names of the candidates nominated and shall write the names and residences of the ratepayers offering to vote at the election, and shall, in each column in which is entered the

the name of a candidate voted for by a voter set the figure "1" opposite the voter's name; (see 6 Edw. VII. c. 53, s. 34).

- (g) When an objection is made to the right of a person to vote, the returning officer or deputy returning officer shall require such person to make the following oath or affirmation:—

Oath to be administered when voter objected to.

You swear (or solemnly affirm) that you are the person named, (or intended to be named,) in the list (or supplementary list) of voters now shown to you (*showing the list to voter*);

Form of oath

That you are a ratepayer;

That you are of the full age of twenty-one years;

That you are a public school supporter;

That you have not voted before for School Trustee at this election, either at this or any other polling place in this Ward, (or in this Municipality where the municipality is not divided into wards) for School Trustee;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God.

1 Edw. VII. c. 39, s. 61.

whereupon the person making the oath or affirmation shall be entitled to vote,

- (h) The returning officer or deputy returning officer shall, on the day after the close of the election, return the poll book to the secretary, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer or deputy returning officer;
- (i) The secretary shall add up the number of votes for each candidate, as appears from the poll book so returned, and shall declare elected, the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them;
- (j) When the result of the polling is indecisive by reason of two or more candidates having an equal number of votes, all of such candidates shall be notified of the first meeting of the board

Duty of returning officer after close of election.

Duty of Secretary.

Casting vote.

board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll, shall, before the organization of the board, give a vote for one or more of such candidates, so as to decide the election. 1 Edw. VII. c. 39, s. 60.

ELECTION BY BALLOT.

Elections of trustees on same day as municipal elections.

61.—(1) The board of an urban municipality or a township board may, by resolution of which written notice shall be given to the clerk of the municipality on or before the first day of October in any year, require the election of school trustees for such urban municipality or township, to be held by ballot on the same day as municipal councillors or aldermen are elected, as the case may be.

Trustees may discontinue use of ballot at elections.

(2) Any such board may in like manner discontinue the use of the ballot, on giving written notice to the clerk to that effect at the time hereinbefore mentioned, and thereafter the elections shall be conducted as provided in section 60.

Ballot not to be discontinued or resumed for three years after the change.

(3) Where any such board requires elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time, then the provisions of section 60 shall apply for a period of three years at least after such discontinuance.

Mode of conducting elections by ballot.

(4) Where notice is given requiring the election to be held by ballot, such election shall thereafter be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nominations and elections of aldermen or councillors and the provisions of *The Consolidated Municipal Act, 1903*, respecting the time and manner of holding the election, including the mode of receiving the resignation of persons nominated, vacancies, and declarations of office, shall *mutatis mutandis* apply to the election.

3 Edw. VII., c. 19.

Form of ballot papers.

(5) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions, containing the names of the candidates in the same form *mutatis mutandis* as those used for councillors or aldermen, and no ballot shall be delivered to any person who is entered on the list of voters as a separate school supporter. 1 Edw. VII. c. 39, s. 61.

62.—(1) In towns divided into wards the board by resolution may limit the number of trustees to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect, and such limitation shall not come into operation until the close of the current school year. Election of trustees where wards abolished.

(2) When such resolution has been adopted the election shall thereafter be by vote of the electors of the whole municipality.

(3) The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual election, and thereafter three trustees shall be elected annually by the ratepayers of the whole municipality to fill the place of the same number retiring by rotation. 1 Edw. VII. c. 39, s. 61.

(4) In cities and, until a resolution has been passed under the next preceding subsection, in towns the trustees shall continue to be elected by wards notwithstanding that the aldermen or councillors are elected by a general vote and not by wards. Election of trustees when council elected by general vote.

(5) Where the trustees are elected by ballot the election shall be conducted as nearly as may be in the manner provided in the preceding provisions of this section, and the officers for holding such election shall be appointed by the municipal council as if the election of aldermen or councillors by general vote had not been adopted for such city or town. Vote by ballot.

(6) Where the election is not by ballot it shall be conducted as nearly as may be in accordance with the provisions of section 60. 2 Edw. VII. c. 40, s. 3 (1). Open voting.

VACANCIES ON BOARD.

63.—(1) Where the office of trustee becomes vacant from any cause, the remaining trustees shall, except as provided in subsection 2 forthwith hold a new election to fill such vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected. Vacancy in office of trustee.

(2) In the case of an urban municipality if such vacancy occurs within three months of the expiry of the term of office, the remaining trustees may allow the office to remain vacant until the next ensuing annual election. 1 Edw. VII. c. 39, s. 62. Special case.

CONTROVERTED ELECTIONS.

Judge of
county court
to receive and
investigate
complaints.

64.—(1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a township board has been established shall be made to the Judge of the County or District Court within twenty days after such election, and he shall, within a reasonable time, in a summary manner, hear and determine the complaint, and may cause the assessment rolls, collector's rolls, poll books, and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit and may cause such persons as he may deem expedient to appear before him and give evidence. 1 Edw. VII. c. 39, s. 63 (1); 2 Edw. VII. c. 40, s. 4 (1).

Powers of
judge.

(2) The Judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed; and if the Judge determines that any other person was duly elected, he may order such person to be admitted; and if the Judge determines that no person was duly elected, he shall order a new election to be held, and he shall in all cases report his decision to the secretary of the board. 1 Edw. VII. c. 39, s. 63 (2); 2 Edw. VII. c. 40, s. 4 (2).

Bribery and
undue
influence.

3 Edw. VII.,
c. 19.

65. In the case of an election of trustees in an urban municipality or in a township for which a township board has been established the provisions of *The Consolidated Municipal Act, 1903*, as to bribery and undue influence shall apply, and in every case in which an election is complained of on those grounds the enquiry by the Judge in reference thereto shall be by oral testimony only.

RESIGNATIONS.

Trustees may
resign.

66.—(1) A trustee of a rural section may resign by giving notice, in writing, to each of the other trustees.

Re-election of
any trustee
lawful.

(2) Where after the resignation of a rural school trustee he has continued to act for three months without his right to do so having been called in question by proceedings to vacate his seat, or for the holding of a new election, he shall be deemed to have continued to be a trustee notwithstanding his resignation and shall hold office for the residue of the term for which he was elected. 7 Edw. VII. c. 51, s. 4.

Urban trustees
may resign.

(3) A member of an urban board may resign by giving written notice of his resignation to the secretary.

(4)

(4) A retiring trustee shall be exempted from serving for four years next after leaving office, but he may with his own consent be re-elected. 1 Edw. VII. c. 39, s. 16; 3 Edw. VII. c. 32, s. 1. Trustee resigning but continuing to act.

MEETINGS OF BOARDS.

67.—(1) Every urban board shall hold its first meeting in each year on the third Wednesday in January, at the hour of seven o'clock in the evening, or at such other hour on the same day and at such place as may have been fixed by resolution of the former board; or, if no place has been so fixed, at the usual place of meeting of the council of the municipality. First meeting of Board.

(2) The secretary shall preside at the election of chairman, or, if there be no secretary, or in his absence, the members present shall choose one of themselves to preside at such election, and the member so chosen may vote as a member. President at first meeting.

(3) In case of an equality of votes at the election of chairman the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote. Casting vote.

(4) The presence of a majority of the members constituting a board shall be a quorum at any meeting, and a vote of the majority of such quorum shall be necessary to bind the corporation. 1 Edw. VII. c. 39, s. 64. Quorum of school boards, etc.

(5) On every question other than the election of a chairman, the chairman or presiding officer of the Board may vote with the other members of the Board and any question on which there is an equality of votes shall be deemed to be negatived. Equality of votes on urban board.

68.—(1) Subject to the provisions of subsection 4 of section 53, every rural school board shall hold its first meeting in each year at the school house of the section on the Wednesday following the annual meeting, at the hour of 4 o'clock in the afternoon, and shall be organized by the election of a chairman, a secretary and a treasurer or a secretary-treasurer. Organization of board at first meeting.

(2) Subsequent meetings shall be held at such time and place as the board may deem expedient. Subsequent meetings.

(3) The presence of a majority of the members constituting a board shall be necessary to form a quorum. 1 Edw. VII. c. 39, s. 17. Quorum.

69. No act or proceeding of a rural school board which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding. 1 Edw. VII. c. 39, s. 20; 6 Edw. VII. c. 53, s. 20. Corporate acts must be adopted at lawful trustee meetings.

NON-RESIDENT

NON-RESIDENT PUPILS.

Admission of
non-resident
pupils.

70.—(1) The board shall admit to the school any non-resident pupil who resides nearer to such school than to the school in his own section if the inspector reports that the accommodation is sufficient for the admission of such pupil, and in case of dispute as to distance, the decision of the inspector shall be final.

Fees of non-
resident
pupils.

(2) The parent or guardian of such non-resident pupil shall pay such fees monthly as may be prescribed by the board, but such fees, together with the taxes, if any, paid by the parent or guardian to such school, shall not exceed the average cost of the instruction of the pupils of such school. 1 Edw. VII. c. 39, s. 95 (1, 2).

A resident of
one section
sending his
children to
another
section.

(3) The parent or guardian shall be liable for the payment of all rates assessed on his taxable property for the purposes of the section in which he resides, but the board of that section may remit the whole or any part of such rates, not exceeding the amount of the fees paid to the board of the neighbouring section. 1 Edw. VII. c. 39, s. 95 (3); 6 Edw. VII. c. 53, s. 52.

Attendance of
children of
non-residents.

(4) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public school of the section on the same terms and conditions as the children of residents. 1 Edw. VII. c. 39, s. 95 (4).

Remission of
school tax
where certain
fees paid.

(5) Where the children attending a neighbouring section reside three miles or more by the nearest public road from the school house in the section to which they belong, the board of the section in which such children reside shall remit so much of the taxes payable by the parents or guardians of such children for school purposes as equals the fees paid to the board of the neighbouring section. 1 Edw. VII. c. 39, s. 95 (5); 6 Edw. VII. c. 53, s. 53.

Pupils in
house of
refuge.

(6) A person of school age maintained in a county house of refuge shall be deemed to be a non-resident, and the county council shall pay to the board of the school attended by such person such monthly fees as may be agreed upon, or at least the average cost of the instruction of the pupils of such school. 1 Edw. VII. c. 39, s. 95 (6).

Providing for
admission of
pupils from
rural school
section to
urban or
Indian schools.

71.—(1) The ratepayers of a rural section may by resolution at the annual or any special meeting, authorize the board to provide for the admission of the pupils of such section to the schools of any adjoining urban municipality or school section or to an Indian school under the supervision

supervision of a public school inspector, subject to the approval of the Minister and of the board of such urban municipality or school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation which the board is required by this Act to make for the pupils of the section, and as a public school within the meaning of sections 88 and 89.

(2) The first mentioned board may levy and collect upon the taxable property of the section such sums as may be necessary to pay the fees of pupils attending the schools of such urban municipality or school section, to pay for the conveyance of the pupils to and from such schools, and also such other sums as they may deem expedient, or as may be required by this Act.

Payment of fees and expenses of conveying pupils to and from school.

(3) In ascertaining the average attendance of pupils at an urban school for the purpose of apportioning the legislative grant, the pupils attending such school under the provisions of subsection 1 shall not be included.

Non-resident pupils not to be counted in fixing proportion of grant.

(4) The township council shall pay to the board of such rural section their actual disbursements for the maintenance of their pupils at, and their transportation to and from the school which they attend, not exceeding the minimum sum required by subsection 1 of section 90 and subsections 1 and 2 of section 91, to be levied, collected and applied to teachers' salaries.

Expenses payable by township.

(5) The board shall also be entitled to receive such share of the legislative and county grants as may be determined by the Minister in case the amount received from the township council is not sufficient to cover such actual disbursements. 1 Edw. VII. c. 39, s. 21; 2 Edw. VII. c. 40, s. 1; 4 Edw. VII. c. 30, s. 1; 7 Edw. VII. c. 51, s. 5.

Share of grants.

DUTIES OF TRUSTEES.

72. It shall be the duty of the boards of all public schools and they shall have power:—

Duties of Board.

- (a) To appoint a secretary and a treasurer or a secretary-treasurer, who may be a member of the board and to appoint such committees, officers and servants as may be deemed expedient;
- (b) To fix the time and place of meetings of the board, the mode of calling and conducting them, and of keeping a correct account of the proceedings of such meetings and to transmit to the Minister all returns and reports required by the Regulations;

Appointment of secretary and others.

To fix meetings of the board.

(c)

Inspection of school property at first meeting of board.

- (c) In the case of a rural school board at the first meeting of the board to examine the school house, outbuildings and school furniture, maps and apparatus, with a view to ascertain what repairs or improvements may be necessary, and to make suitable provision for lighting fires and keeping the school house and premises in a cleanly and sanitary condition by appointing some person for that purpose;

To provide adequate accommodation.

- (d) To provide adequate accommodation for all children between the ages of five and sixteen years resident in the municipality, and in the case of rural schools for two-thirds of such children resident in the section, as ascertained in both cases, by the school census taken by the assessor in the next preceding year, and in computing such residents the children of persons on whose behalf a separate school has been established under *The Separate Schools Act* shall not be included;

To provide and maintain school premises.

- (e) To acquire or rent school sites and premises, and to build, repair, furnish and keep in order the schoolhouses, furniture, fences and all other school property and to keep the wells, closets and premises in a proper sanitary condition;

Registers and school appliances.

- (f) To procure registers, maps, globes, apparatus, and, if deemed expedient, prize books and to establish and maintain school libraries; 1 Edw. VII. c. 39, s. 65 (1, 2, 3, 4).

To determine number of schools, etc.

- (g) To determine the number, grade, territorial boundaries and description of schools to be opened and maintained; the teachers to be employed; the terms on which they are to be employed; and their remuneration and rank, whether principals or assistants;

To keep school open and establish classes, etc.

- (h) To keep open each school during the whole period of the school year, except where it is otherwise provided by this Act; and, if deemed expedient, to establish kindergartens and classes for industrial training and instruction in household science;

Dental and medical inspection.

- (i) To provide and pay for such dental and medical inspection of the pupils as the Regulations may prescribe, or, in the absence of Regulations, as the board may deem proper. 7 Edw. VII. c. 51, s. 15.

(j)

- (j) To expel from the school a pupil who is adjudged by the board and the teacher to be so refractory that his presence in school is injurious to the other pupils. 1 Edw. VII. c. 39, s. 65 (6). Dismissal of refractory pupils.
- (k) If deemed expedient, to purchase for the use of pupils, text books and other school supplies; and either to furnish the same to the pupils free of charge or to collect for the use thereof from their parents or guardians a sum not exceeding twenty cents per month per pupil to defray the cost thereof. 6 Edw. VII. c. 53, s. 37. Trustees may collect a fee from parents for books, etc.
- (l) If deemed expedient, to exempt any indigent person from the payment of school rates, in whole or in part, and to notify the clerk of the municipality of such exemption, on or before the first day of August, and where deemed necessary to provide for the children of such person text books and other school supplies at the expense of the board; 1 Edw. VII. c. 39, s. 65 (8). Exemption of indigent persons from school rates.
- (m) To provide and pay, in the case of urban schools, salaries of inspectors, teachers, instructors and other officers and employees of the board, repairs to buildings, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of trustees and officers of the board incurred by the authority of the board; Urban boards to pay officials and maintenance expenses.
- (n) To submit to the municipal council, on or before the first day of August, or at such time as may be required by the council, an estimate, for the current year, of the expenses of the schools under their charge; 1 Edw. VII. c. 39, s. 65 (9). To lay before council estimates for moneys.
- (o) To provide, in the case of rural schools, for the payment of a secretary's and teachers' salaries quarterly and, if necessary, to borrow on the promissory note of the board, under its corporate seal, at interest not exceeding six per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected; 1 Edw. VII. c. 39, s. 65 (10). Payment of teachers' salaries.
- (p) To submit, in the case of urban municipalities, all accounts, books and vouchers to be audited by the municipal auditors whose duty it shall be to audit the same, and to publish as soon as the audit is made in one or more of the public newspapers, or otherwise, an abstract of the annual report of the auditors, with their findings To publish auditors' report.

ings and recommendations; 1 Edw. VII. c. 39, s. 65 (11).

Custody and disposal of school property.

- (g) To take possession of all property acquired or given for public school purposes, and to hold the same according to the terms on which it was acquired or given; and to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof for school purposes or as directed by this Act; 1 Edw. VII. c. 39, s. 65 (12).

Supplementing superannuation allowances.

- (r) To supplement out of school funds, as deemed expedient, any allowance payable under this Act to superannuated teachers; 1 Edw. VII. c. 39, s. 65 (13).

Execution of teachers' agreements.

- (s) To execute the agreement with each teacher required by subsection 1 of section 85, and to procure the execution thereof by the teacher before he enters upon his duties;

Use of school house.

- (t) To permit the school house and premises to be used for any educational or other lawful purpose, which may be deemed proper, provided the proper conduct of the school is not interfered with; 7 Edw. VII. c. 51, s. 15.

Evening lectures.

- (u) If deemed expedient, and subject to the Regulations, to establish, conduct and maintain free lectures open to the public, and to include in their estimate for the current year the expense thereof; 7 Edw. VII. c. 51, s. 15.

Dismissal of secretary or treasurer.

- (v) If deemed expedient, to dismiss the secretary or treasurer at any time and thereupon to make a new appointment to fill the vacancy; 8 Edw. VII. c. 67, s. 9.

Penny Savings Banks.

- (w) If deemed expedient, to provide books, stationery and other materials necessary in connection with the establishment and maintenance of a Penny Savings Bank, or any system introduced for the encouragement of thrift and the habit of saving. 8 Edw. VII. c. 33, s. 55.

Employing teachers in charitable institutions.

73. The board of a city, when so requested in writing, by a charitable organization having the charge of children of school age, may employ teachers for such children, and may furnish for their use all school supplies, and such children shall be considered public school pupils, and shall be subject to the provisions of this Act. 1 Edw. VII. c. 39, s. 67.

74.—(1) An urban board may expend such sums as it may deem expedient in promoting and encouraging gymnastics and other athletic exercises provided such sums shall not exceed two hundred dollars per annum when the annual registered attendance of pupils does not exceed 3,000 and \$50 additional for each additional thousand in attendance. Grant for encouragement of physical training.

(2) The board may also provide uniforms for classes in military drill. Military uniforms.

(3) Where a board of education has been established in any city or town, the allowance for games to high schools and public schools may be consolidated, and games for the high schools and public schools held on the same day. Consolidation of funds for games.
7 Edw. VII. c. 51, s. 17.

DUTIES OF TREASURER.

75.—(1) The treasurer shall give such security as may be required by the board, and the security shall be deposited with the clerk of the municipality. Security to be given by secretary-treasurer.

(2) A trustee shall not be surety for the treasurer or for any person entrusted with school money. 1 Edw. VII. c. 39, s. 112, *part*. Trustees not to be sureties.

(3) The treasurer shall receive all school moneys and shall account for the same and shall disburse all moneys as directed by the board, and he shall produce when required by the board, or by auditors or other competent authority, all papers and money in his possession, power or control belonging to the board. 1 Edw. VII. c. 39, s. 18; 6 Edw. VII. c. 53, s. 18. Duties.

DUTIES OF SECRETARY.

76. It shall be the duty of the secretary:—

- (a) To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the board for that purpose, and to see that the minutes, when confirmed, are signed by the chairman of the meeting; Duties of secretary
Minutes of meetings.
- (b) To call a special meeting of the board, at the request in writing of two trustees or of ten ratepayers, specifying the objects for which the meeting is to be held; and to state the objects of the meeting in the notice calling the same; Calling special meetings.
- (c) In the case of a rural section, to give notice in writing, before the 15th day of January, in each year, to the inspector and to the clerk of the municipality of the names and post office addresses Names and addresses of trustees and teachers to be given to township clerk.

addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes;

Notice of annual meeting and meetings to fill vacancies in board, etc.

- (d) In the case of a rural section to give the notice required by this Act of each annual meeting of the ratepayers of the section; to call a special meeting of the ratepayers when directed by the board, or on the request in writing of ten ratepayers, for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school auditor or for any other lawful school purpose; to cause notices of the time and place, and of the objects of such meeting, to be posted up in three or more public places in the section, at least six clear days before the time of holding such meeting; and to cause to be prepared for the annual meeting of the ratepayers, a report for the year then ending, containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during such year and any further information that may be required by the Minister or by the Regulations, such report to be signed by the trustees and by either or both of the auditors of the section;

Report at annual meeting.

Annual and semi-annual returns.

- (e) To transmit to the inspector all returns on or before the fifteenth day of January in each year according to the forms prescribed by the Regulations. 1 Edw. VII. c. 39, s. 19; 6 Edw. VII. c. 53, s. 19.

Compensation of secretary-treasurer.

77. The secretary of a rural school section may be allowed such remuneration for his services and for attending to the repairs of the school house or premises as shall be fixed by the trustees. 1 Edw. VII. c. 39, s. 18 (4).

AUDITORS OF RURAL SECTIONS.

Auditors.

78.—(1) There shall be two auditors for every rural section, one of whom shall be elected annually by the ratepayers at the annual meeting or at a special meeting and the other appointed by the board on or before the first day of December in each year.

Filling vacancies

(2) Where an auditor dies or refuses or is unable to act another may be elected or appointed in his place.

(3)

(3) If from any cause at any time after the first day of December there are not two auditors, willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require. 6 Edw. VII. c. 53, s. 21. Appointment by inspector.

(4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer, shall afford to the auditors, all the information in their and each of their power as to the receipts and expenditures which the auditors or either of them may require. Trustees and secretary, treasurer to lay accounts, etc., before auditors.

(5) The auditors, or one of them, shall on or immediately after the first day of December in each year, appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. 1 Edw. VII. c. 39, s. 22 (2, 3). Time of audit.

(6) There shall be two auditors for every consolidated school, one of whom shall be appointed by the trustees and the other by the inspector. Auditors for consolidated school.

79.—(1) It shall be the duty of the auditors to examine into and decide upon the accuracy of the accounts of the section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts, with a full report thereon at the next annual school meeting. Duties of auditors.

(2) Any difference of opinion between the auditors on any matter in the accounts, shall be decided by the inspector. Differences between auditors.

(3) If both auditors object to the lawfulness of any expenditure, they shall report the matter to the annual meeting, which may either determine the same, or submit it to the Minister, whose decision shall be final. 1 Edw. VII. c. 39, s. 23. Report of objections.

80. The auditors or either of them may require the attendance of all persons interested in the accounts, and of their witnesses, with such books, papers, and documents as the auditor or auditors may direct and may administer oaths to such persons and witnesses. 1 Edw. VII. c. 39, s. 24. Powers of auditors.

81. An auditor who has entered upon an audit may complete the same, although he has not done so within the time prescribed by this Act. (*New*). May complete audit after time prescribed.

DUTIES OF TEACHERS.

82. It shall be the duty of every teacher:—

To teach according to law, preserve discipline, etc.

- (a) To teach diligently and faithfully the subjects in the public school course of study as prescribed by the Regulations; to maintain proper order and discipline in the school; to encourage the pupils in the pursuit of learning; to inculcate by precept and example, respect for religion and the principles of Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

Use of English language.

- (b) To use the English language in instruction and in all communications with the pupils in regard to discipline and the management of the school, except where it is impracticable to do so by reason of the pupil not understanding English, but recitations requiring the use of a text book may be conducted in the language of the text book; 1 Edw. VII. c. 39, s. 80 (1,2).

Duties in and about the schoolhouse, registers, etc.

- (c) To see that the school house is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon; to call the roll every day according to the register prescribed by the Regulations; to enter in the visitors' book visits made to the school; to give the inspector, trustees and visitors access, at all times, to the register and visitors' book; and to deliver the register, the school house key and other school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his engagement has ceased; 1 Edw. VII. c. 39, s. 80 (3); 6 Edw. VII. c. 53, s. 44.

Classification of scholars and conduct of classes.

- (d) To classify the pupils according to the courses of study prescribed by the Regulations; to conduct the school according to a time-table accessible to pupils and visitors; to prevent the use by pupils of unauthorized text-books; to attend regularly the teachers' institutes in the inspectorate; to notify the board and inspector of his absence from school, and the cause thereof; and to make at the end of each school term, and subject to revision by the inspector, such promotions from one class or form to another as he may deem expedient;

(e)

- (e) To hold closing exercises of the school, and to give due notice thereof to the board, to any school visitors who reside in the school section, and through the pupils, to their parents or guardians, and to hold such other examinations as may be required by the inspector for the promotion of pupils, or for any other purpose as the inspector may direct; Examinations.
- (f) To furnish to the Minister and the inspector any information which it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports of the board as are required by the Regulations; Information for department.
- (g) To give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the school house, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement and neat appearance of the playgrounds, and to report promptly to the board and to the municipal health officer the appearance of any infectious or contagious disease in the school, or the unsanitary condition of the school house, outhouses or surroundings; 1 Edw. VII. c. 39, s. 80 (4, 5, 6, 7). Care of health of pupils, preservation of school property.
- (h) To refuse admission to the school of any pupil who he believes is affected with, or exposed to chicken pox, small pox, cholera, glanders, scarlet fever, scarlatina, diphtheria, whooping cough, measles, mumps, or other infectious or contagious disease or consumption until furnished with a certificate of a medical health officer or of a duly qualified medical practitioner approved by him that all danger from exposure to contact with such pupil has passed. 1 Edw. VII. c. 39, s. 80 (8); 7 Edw. VII. c. 51, s. 24. Infectious diseases among pupils.
- (i) To suspend any pupil guilty of persistent truancy, or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil, and the board, of such suspension, but the parent or guardian of any pupil suspended may appeal against the action of the teacher to the board which shall have power to remove, confirm or modify such suspension. 1 Edw. VII. c. 39, s. 80 (9). Disciplinary powers.

Refusal to give
up key, etc.

83. A teacher who refuses to deliver to the board any visitors' book, school register, school-house key, or any other school property in his possession shall not be a qualified teacher until restitution is made, and he shall also forfeit any claim which he may have against the board. 1 Edw. VII. c. 39, s. 121 (2).

CHANGE OF AUTHORIZED TEXT-BOOKS.

Change of
text-book.

84. An authorized text-book in actual use may be changed by the teacher for any other authorized text-book on the same subject with the written approval of the board and subject to the Regulations. 1 Edw. VII. c. 39, s. 97 (1).

AGREEMENTS.

Valid agree-
ments with
teachers.

85.—(1) Every agreement between a board and a teacher shall be in writing, signed by the parties thereto, and sealed with the seal of the board.

Qualified
teacher de-
fined.

(2) No person shall be employed or act as a teacher unless he holds a certificate of qualification.

Proportion of
salary to
which teacher
entitled.

(3) Unless otherwise expressly agreed a teacher shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

Case of sick-
ness.

(4) Every teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment, if the sickness is certified to by a physician, but that period may be extended at the pleasure of the board.

Protection of
teachers in
regard to
salary.

(5) If at the expiration of a teacher's engagement his salary has not been paid in full, the salary shall continue to run at the rate mentioned in the agreement until paid, provided always that an action shall be commenced within three months after the salary is due and payable.

Provision in
case of differ-
ence between
teacher and
trustees.

(6) All matters of difference between boards and teachers, in regard to salary or other remuneration, whatever may be the amount in dispute shall be determined in the Division Court of the division where the cause of action arose, subject to appeal, as provided by this Act. 1 Edw. VII., c. 39, s. 81.

When judge
may relieve
board from
extra liability.

(7) If it appears to the Judge on the trial of an action for the recovery of a teacher's salary that there was reasonable ground for the board disputing its liability, and that it was willing and offered to pay to the teacher any sum not

so in dispute, the Judge may relieve the board from the liability imposed by subsection 5, in whole or in part. (*New.*)

TEACHERS' CERTIFICATES.

86.—(1) Subject to the Regulations any British subject, of good moral character and physically fit to perform the duties of a teacher and who passes the examination prescribed by the Regulations, may be awarded a certificate of qualification as a teacher according to the Regulations. 1 Edw. VII. c. 39, s. 82 (1, 2); 4 Edw. VII. c. 30, s. 8; 8 Edw. VII. c. 67, s. 12. Several classes of certificates.

(2) Certificates granted before the fifteenth day of February, 1871, shall remain in force according to the terms of the Act under which they were granted. Former certificates continued.

(3) First-class certificates issued before the fifteenth day of February, 1871, and valid on the 24th day of March, 1874, shall be valid throughout Ontario during good conduct. First-class valid.

(4) Second-class certificates issued before the 15th day of February, 1871, and valid on the 24th day of March, 1874, shall, if the holders thereof have taught for ten years in Ontario, be valid during good conduct within the territory for which they were granted. Second-class valid.

(5) All other certificates shall be valid for such periods as the Regulations prescribe. Term of certificates generally.

(6) The inspector may suspend the certificate of any teacher in his inspectorate for inefficiency, misconduct, or a violation of this Act or of the Regulations or for wilful neglect or refusal to carry out his agreement with a board and he shall notify in writing the Minister, the board concerned, and the teacher, of such suspension and of the reasons therefor. Suspension of certificate for misconduct, etc.

(7) The teacher may appeal to the Minister, who may make such order or orders with regard to the suspension as he deems proper. 1 Edw. VII. c. 39, s. 82 (3, 4, 5, 6, 7, 8); 8 Edw. VII. c. 67, ss. 11 to 14. Meeting of county board, consideration of suspension.

TEACHERS' INSTITUTES.

87.—(1) Subject to the Regulations, the teachers in one or more inspectorates may organize themselves into a Teachers' Institute for the purpose of receiving instruction in methods of teaching and for discussing educational matters. Organization of teachers' institutes.

(2) The Minister may out of any moneys appropriated for that purpose apportion \$25 to each teachers' institute. Aid to teachers' institutes.

so organized and conducted according to the Regulations, and the council of each county, city, or separated town, or town in territory without county organization, shall pay annually to the president of each teachers' institute established within such county, city, or town, a sum at least equal to the amount so apportioned.

In the districts.

(3) In territory without county organization, the Minister may apportion \$50 to each teachers' institute where there is no city or town council liable for such contribution. 1 Edw. VII. c. 39, s. 85.

MUNICIPAL TREASURERS OF SCHOOL MONEYS.

Township treasurer to be sub-treasurer of county treasurer.

88.—(1) With respect to all moneys received by him from the county treasurer, a township treasurer shall be a sub-treasurer of the county treasurer, but the county council may by law constitute the county treasurer the sub-treasurer for municipalities not separated from the county.

Treasurers of cities and separated towns to receive grants.

(2) The treasurer of the school board of each city and separated town shall receive the government grants apportioned to the city or town and shall hold the same for school purposes subject to the order of the board.

Responsibility of treasurer and sureties.

(3) The treasurer and sub-treasurer and their sureties shall be accountable for school moneys to the county, city or town (as the case may be) and any bond or security given by a treasurer or sub-treasurer for duly accounting for and paying over moneys coming into their hands, shall apply to school moneys, and may be enforced against the treasurer or sub-treasurer or his sureties, in case of default on his or their part. 1 Edw. VII. c. 39, s. 79 (1 and 2).

DISTRIBUTION OF LEGISLATIVE GRANT.

County treasurer to pay legislative grant to township treasurers.

89.—(1) The treasurer of every county except where he acts as sub-treasurer also shall pay to the treasurer of every township within the county the legislative grant apportioned to the rural public and separate schools within the township.

Township treasurer's duties as to grants.

(2) The township treasurer shall pay to the boards of the rural public and separate schools within the township, the amount of the legislative grant apportioned to such schools respectively.

Where county treasurer is sub-treasurer.

(3) Where the county treasurer acts as sub-treasurer also he shall perform the duty which is by subsection 2 to be performed by a township treasurer.

Statement to be sent with grant.

(4) A statement showing the amount of the legislative grant apportioned to the school shall be sent to every board by the sub-treasurer or the township treasurer as the case may be.

Payment on inspector's warrant.

(5) The payments to the boards under this section shall be made on the warrant of the proper inspector.

COUNTY

COUNTY RATES.

90.—(1) The council of every county shall levy and collect by an equal rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum, at least equal to that part of the legislative grant which is apportioned by the Minister on the basis of the equipment and accommodations of the rural schools of the county, and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportions as such grant is apportioned.

County rate
in aid of
schools.

(2) The council of every county shall levy and collect an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities a sum at least equal to that part of the legislative grant which is apportioned to the schools in the municipality for fifth classes and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

County to raise
equivalent to
legislative
grant for fifth
classes.

(3) The county council of two or more counties united for municipal purposes may apportion the amount to be levied for public school purposes so that each county forming the union shall be liable only for sums payable in respect of public schools within such county. 6 Edw. VII. c. 53, s. 39 (11); 9 Edw. VII. c. 51, s. 19.

Apportionment
of school
moneys in
united
counties.

Township Grants.

91.—(1) Where according to the equalized assessments the assessed value of all the taxable property of the public school supporters in a township in a county is at least equal to an average assessment of \$30,000 for each section therein, the council of such township shall each year levy and collect by assessment upon the taxable property of the public school supporters of the whole township, not included in an urban municipality or annexed to an urban municipality for school purposes, the sum of \$300 at least for every public school where the teacher or principal teacher is engaged for two consecutive school terms, and a proportionate amount of such sum where a teacher or principal teacher is engaged for one school term or longer; and the additional sum of at least \$200 for every assistant teacher engaged for two consecutive school terms, and a proportionate amount of such sum for every assistant teacher engaged for one school term or longer.

Township
grant in aid of
schools.

(2) In a county where such assessed value is less than an average assessment of \$30,000 for each public school section in a township, and in a township in territory without

Where assess-
ment is less
than \$30,000
for each
section.

without county organization whatever its assessment may be, the council of the township shall each year levy and collect as aforesaid the sum of \$150 at least for every school where a teacher or principal teacher is engaged for two consecutive school terms, and a proportionate amount of such sum where a teacher or principal teacher is engaged for one school term or longer; and an additional sum of at least \$100 for every assistant teacher engaged for two consecutive school terms, and a proportionate amount of such sum, where such assistant teacher is engaged for one school term or longer.

Application of township grant to teachers' salaries.

(3) The sums so levied and collected shall be applied exclusively to teachers' salaries. 7 Edw. VII. c. 51, s. 19.

Rates for teachers' salaries in union school sections.

(4) In the case of a union school section formed of parts of townships, the sums levied and collected from the ratepayers by township councils shall be levied and collected by the several councils out of the taxable property of the public school supporters of such union school section, each in the proportion which such taxable property within its jurisdiction bears to the taxable property of public school supporters in the whole union section. 6 Edw. VII. c. 53, s. 39 (7).

Township grants to union school sections.

(5) In the case of a union school section formed of parts of townships the sums mentioned in subsections 1 and 2 of this section, shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 29. 6 Edw. VII. c. 53, s. 39 (8); 7 Edw. VII. c. 51, s. 20.

Abatement of amounts proportionally.

92. Where part of the salary of a teacher in a rural school for any reason does not become payable or is withheld from him under the provisions of this Act, the sums payable respectively by the county, the township or townships, and the ratepayers and out of the legislative grant, on account of such salary, shall abate, in the proportions in which they were respectively liable for the whole. 6 Edw. VII. c. 53, s. 39 (9); 7 Edw. VII. c. 51, s. 21.

Amounts required to be raised to be paid over as required.

93. All moneys required to be levied and collected and applied to the salaries of teachers shall be paid to the treasurers of the respective boards from time to time as may be required by them. 6 Edw. VII. c. 53, s. 39 (10).

Consolidated schools.

94. Where two or more school sections are consolidated all the teachers in the consolidated school, for the purposes of sections 90 to 92, shall be deemed principal teachers unless

unless their number is greater than the number of sections consolidated, in which case the number of teachers in excess of the number of school sections, shall be deemed assistant teachers. 7 Edw. VII. c. 51, s. 22.

INSPECTORATES.

95.—(1) The Minister on or before the first day of January, 1910, shall determine the number of Inspectors to be appointed in every county, city or separated town, and thereafter whenever he deems it expedient, may direct the appointment of additional Inspectors in a county or city.

Minister to determine number of inspectors in counties, cities and separated towns.

(2) Where more Inspectors than one are to be appointed for a county or for a city, the county council or the Board of Education or Board of Public School Trustees, as the case may be, shall define the limits of the inspectorate of each Inspector, or in the case of a city may assign such duties to each inspector as the Board may deem expedient.

Where two inspectors appointed for a county or city.

(3) The councils of two or more adjacent counties may enter into an agreement for the appointment of an Inspector or Inspectors to act in such counties and the agreement shall fix the proportions in which the time of the Inspector shall be given to schools in each of such counties and the proportions in which the salary and travelling and other expenses of the Inspector shall be borne and paid by the counties respectively.

Joint inspectors for adjoining counties.

(4) The Board of Public School Trustees or the Board of Education of a city or separated town instead of appointing a separate Inspector may enter into an agreement with the council of the county in which such city or separated town is situate, that such city or town shall form part of a county inspectorate and the agreement shall fix the proportion of the time of the county Inspector in whose inspectorate the city or town is included, which shall be respectively given to the inspection of the rural and urban schools in his inspectorate and the proportions in which the salary and travelling and other expenses of the Inspector shall be borne and paid by the Board and the county respectively.

County inspector for city or town.

(5) The Minister may enter into an agreement with the council of a county, that the Inspector or one of the Inspectors of such county shall be Inspector for a district inspectorate and as to the proportion of the salary of such Inspector, which shall be payable by the county and the Province respectively.

Agreement of Minister with county council.

(6)

Minister to
define In-
spectorate.

(6) The Minister on or before the first day of January, 1910, and annually thereafter, whenever he deems it necessary, shall fix the limits of every district inspectorate, and shall give notice by registered letter to the Secretary of every School Board in the territory without county organization of the inspectorate to which the school section or other division for which the Board is elected is assigned.

Urban
inspectorate.

(7) Where a Board of Public School Trustees or a Board of Education appoints an urban Inspector, the city or separated town for which such appointment is made shall constitute an urban inspectorate.

Approval of
municipal
by-laws.

(8) Every by-law or resolution passed and every agreement entered into by a municipal council or Board under this section shall be subject to the approval of the Minister.

Appointment.

Appointment
of inspector by
county council.

96.—(1) The council of every county, by resolution passed at the first meeting held after being directed by the Minister to appoint an additional Inspector or after a vacancy in the office of County Inspector occurs, shall appoint an Inspector.

Vacancy in
county.

(2) Where a vacancy occurs in the office of County Inspector the warden of the county may appoint some legally qualified person to fill the vacancy until the next ensuing meeting of the county council.

Appointment
by urban
board.

(3) An Urban Inspector shall be appointed by the Board by resolution passed at the first meeting held after being directed by the Minister to appoint an additional Inspector or after a vacancy occurs or at an adjournment thereof.

Resolution to
be sent to
Minister.

(4) The Clerk of the County or the Secretary of the Board, as the case may be, shall forthwith transmit a copy of the resolution, certified by the chairman, to the Minister, by registered post.

Appointment
by Minister on
default of
county or
board.

(5) Where a county council for one month after such meeting or where a Public School Board or Board of Education for one month after a vacancy occurs neglects to make an appointment, the same may be made by the Minister.

Ratification of
appointment
by Minister.

(6) Every appointment of a County or Urban Inspector shall be subject to ratification by the Minister and if not so ratified within one year thereafter, the engagement of the Inspector shall terminate at the end of that period and the Council or Board shall appoint another inspector as provided by this Act.

(7) District Inspectors shall be appointed by the Lieutenant-Governor upon the recommendation of the Minister ^{Appointment of district inspector.} and shall hold office during pleasure.

(8) Where more Inspectors than one are appointed in a county or city the County Council or the Board may, subject to the approval of the Minister, designate one of the Inspectors to be Senior Inspector and the Senior Inspector, in addition to the powers and duties of an Inspector, shall have such other powers and perform such other duties as the Minister may prescribe. ^{Senior inspector.}

Removal, Suspension or Dismissal.

97.—(1) On or before the first day of February, 1910, the Minister shall remove from office every Inspector whom, after due enquiry, he considers unsuitable for his office by reason of inefficiency or physical infirmity. ^{Removal from office of inspectors by Minister.}

(2) An Inspector may be suspended or removed from office or his certificate may be cancelled by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity.

(3) The County Council or Board by which an Inspector is appointed may suspend the Inspector for neglect of duty, misconduct, inefficiency or physical infirmity. ^{Removal by county council or board.}

(4) The Clerk of the County or Secretary of the Board, as the case may be, shall forthwith report such suspension to the Minister in writing with a statement of the reasons therefor and the Minister may remove or confirm the suspension or may remove the Inspector from office or cancel his certificate and the decision of the Minister shall be final. ^{Report to Minister.}

(5) The Minister may give such direction as to the payment or forfeiture of the salary of the Inspector for the period of suspension as he may think just. ^{Salary during suspension.}

Qualifications, etc.

98.—(1) No person shall be appointed or act as an Inspector of Public Schools who has been removed from the office of Inspector by the Minister or who does not hold a certificate of qualification as prescribed by the Regulations. ^{Qualification of inspectors.}

(2) An Inspector, who, during his tenure of office, holds any other office or employment or follows any other profession or calling, except the performance of such special duties as the Minister may require, without the approval of the Minister and of the county council of the county or of ^{Inspector shall not have any other office or employment.}

of the Board of the city or town in which his inspectorate lies shall forfeit his office as Inspector, but this section shall not apply to any person who is a member of the Assembly at the time of the passing of this Act.

Duties of Inspectors.

99.—(1) Subject to the Regulations it shall be the duty of every Public School Inspector,

- (a) To visit in every year each school room in his inspectorate having a separate register as often and for such length of time on each occasion as the Minister may direct;
- (b) To prepare a report of every such visit in the form prescribed by the Regulations;
- (c) To forward within one month after such visit a copy of every such report to the board within whose jurisdiction the school is situate;
- (d) To make a general annual report as to the performance of his duties and the condition of the schools in his inspectorate to the county council and to the board of every city or separated town included in his inspectorate or in the case of an Urban Inspector, to the board of the city or town only;
- (e) To report to the Medical Health Officer of the municipality any case in which the school buildings or premises are found to be in an unsanitary condition;
- (f) To furnish the Minister with information respecting any Public School in his inspectorate whenever required so to do;
- (g) To withhold his order for the amount apportioned from the Legislative or municipal grant;
 - (i.) Where any school has been kept open for less than six months in the year except where that has been caused by the school having been closed by order of the Medical Health Officer or Local or Provincial Board of Health on account of the prevalence of any communicable disease;
 - (ii.) Where the Board fails to transmit promptly the annual or other school returns properly filled up;
 - (iii.) Where the Board fails to comply with this Act or with the Regulations; or
 - (iv.)

- (iv.) Where the teacher uses or permits to be used as a text-book any book not authorized by the Regulations;
and in every case to report to the Board and to the Minister his reasons for so doing;
- (h) To discharge such other duties as may be required by the Minister or Regulations;
- (i) On retiring from office to deliver to his successor his official correspondence and all school papers in his custody, on the order of the Minister or of the council of the county in which his inspectorate lies, or of the Board by which he was appointed.
- (2) Every Inspector shall be directly responsible to the Minister for the due performance of his duties and subject to the Regulations, shall obey the direction of the County Council in the case of a County Inspector and of the Board in the case of an Urban Inspector. Inspector to be responsible to Minister.
- (3) Where an Inspector requires the testimony of a witness as to any fact alleged in any complaint or appeal made to him or to the Minister he may administer an oath to the witness. Inspector may administer oaths.

Salaries.

- 100.—(1) Every County Inspector appointed after the first day of January, 1910, shall receive a salary for the first year of his employment of \$1,500, and for the second year \$1,600, and for the third and every subsequent year \$1,700. Salaries of inspectors.
- (2) Every County Inspector who is in office on the 31st day of December, 1909, and who is retained in office thereafter shall be paid a salary of \$1,700 per annum. Present Inspectors.
- (3) One-half of the salary of every County Inspector shall be paid by the Treasurer of Ontario out of the moneys appropriated for that purpose and one-half by the County Council. How payable.
- (4) The salaries of County Inspectors shall be paid monthly by the treasurers of the counties and by the Minister directly to the Inspectors. To be paid monthly.
- (5) The County Council shall also pay to the County Inspector his reasonable expenses for travelling, printing, postage and stationery and in case of dispute the amount thereof shall be settled by the Judge of the County Court upon the application of the Inspector or of the council and the decision of the Judge shall be final. Other expenses.

(6)

Salaries of
urban
inspectors.

(6) The salary of an urban Inspector shall be fixed by the Board of Public School Trustees or Board of Education, of the city or town, and shall be payable by the Treasurer of the Board.

Contribution
from Province.

(7) Out of such moneys as may be appropriated for that purpose, the Treasurer of Ontario shall annually pay in the month of December to the Board of the city or separated town the sum of \$5 for every teacher occupying a separate room with a separate register and the amount so paid shall be applied towards the payment of the salary of the Inspector.

District
inspectors.

(8) The salaries and travelling and other expenses of District Inspectors shall be fixed by the Minister, and shall be paid by the Treasurer of Ontario out of any moneys appropriated for that purpose, at such times and in such manner as the Minister may direct.

ALLOWANCE TO ARBITRATORS AND INSPECTORS.

Arbitrators to
award costs.

101. Arbitrators in making their award, shall, among other things, determine the liabilities of the parties concerned for the costs of the arbitration, and such determination shall be final and conclusive. 1 Edw. VII. c. 39, s. 88.

Allowance to
arbitrators.

102. Every person other than an inspector engaged as arbitrator on any matter arising under this Act shall be paid \$4 a day and travelling expenses. 1 Edw. VII. c. 39, s. 89.

Allowances to
inspectors.

103.—(1) An inspector while engaged in conducting an investigation for the purposes of subsection 10 of section 54 shall be paid the sum of \$4 a day and travelling expenses by the treasurer of the county.

Section not to
be in force
after 1st
February, 1910.

(2) This section shall not apply after the 1st day of February, 1910.

APPEALS FROM DIVISION COURT DECISIONS.

Appeals from
Division Court
judgment.

104.—(1) In an action between a teacher and a board under this Act, the Judge of the Division Court in which the action is tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal.

Appeal by
minister.

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the Judge to a Divisional Court of the High Court, by serving notice

notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal may be entitled "The Minister of Education for Ontario, Appellant, in the matter between (*naming the parties*)."

1 Edw. VII. c. 39, s. 98 (1, 2).

(3) The Judge shall thereupon transmit to the Central Office of the High Court at Toronto, certified under his hand the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections.

Judges to send papers to High Court.

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined.

1 Edw. VII. c. 39, s. 98 (3); 6 Edw. VII. c. 53, s. 54.

No further proceedings to be taken after notice of appeal.

(5) The Divisional Court shall give such order or direction to the court below, touching the judgment to be given as the circumstances require, and upon receipt of such order or direction, the Judge shall proceed in accordance therewith.

1 Edw. VII. c. 39, s. 98 (4); 6 Edw. VII. c. 53, s. 55.

Order of Court. Proceedings in division court when appeal decided.

(6) The Divisional Court may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken, which shall be certified to and form part of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister, and charged as contingent expenses of his office.

1 Edw. VII. c. 39, s. 98 (5).

Costs.

(7) Notwithstanding anything herein contained any party to an action in which the plaintiff claims more than \$100 shall have the same right of appeal as in an action in the Division Court.

SUPERANNUATION.

105. Every teacher and inspector whose name was, on the 30th day of March, 1886, entered as having contributed to the fund for superannuated teachers, may continue to contribute to such fund in such manner as may be prescribed by the Regulations, the sum of at least \$4 annually, but no payment of arrears which accrued before the 1st day of January, 1885, shall be allowed.

1 Edw. VII. c. 39, s. 91.

Superannuation fund.

106. On the death of a teacher or inspector, the wife, husband, or legal representative of such teacher or inspector, shall be entitled to receive the amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent. per annum.

1 Edw. VII. c. 39, s. 92.

Repayment to wife, etc., of deceased teacher.

Right of
teacher to re-
tire on reach-
ing sixty years
of age.

107.—(1) Every teacher and inspector who, while engaged in his profession, has contributed to the superannuated teachers' fund as provided by this Act, shall on reaching the age of sixty years, if he retires from the profession, receive an annual allowance at the rate of \$6 per annum for every year of service in Ontario, upon furnishing evidence of good moral character, age and length of service.

After thirty
years of
service.

(2) A teacher or inspector who has reached the age of sixty years shall not be disqualified for superannuation by reason of his having retired from active service before reaching that age if he has served for a period of thirty years. 1 Edw. VII. c. 39, s. 92.

Teacher under
sixty.

(3) Every teacher and inspector under sixty years of age who has so contributed and who is disabled from practising his profession shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character, and disability.

\$1 per annum
extra to cer-
tain teachers.

(4) Every superannuated teacher and inspector who holds a first or second class provincial certificate, or a first-class county board certificate, and every principal of a high school or collegiate institute shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate or while he acted as principal of a high school or collegiate institute.

Proviso in
regard to
good moral
character.
Teacher
resuming
profession.

(5) The retiring allowance shall cease at the close of the year in which the death of the recipient takes place.

Again
retiring.

(6) If a superannuated teacher or inspector, with the consent of the Minister, resumes the profession of a teacher or inspector, his allowance shall be suspended during the time he is so engaged, and if he is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act and the Regulations.

Forfeiture of
claims.

(7) A teacher or inspector who, having resumed his profession, wilfully draws or continues to draw upon the superannuation fund, shall forfeit all claim to the fund, and his name shall be struck off the superannuation list.

Repayment to
contributors.

(8) A teacher or inspector who retires from the profession, or who desires to remove his name from the list of contributors to the superannuation fund, shall be entitled to receive back one-half of any sum contributed by him to the fund.

Teachers not
availing them-
selves of Act.

(9) Where a teacher or inspector does not avail himself of the provisions of section 103 or of subsection 8 of this section, the provisions of sections 103 to 105 shall apply so far as relates to all sums already paid by him into the superannuation fund. 1 Edw. VII. c. 39, s. 93.

108. Subject to the Regulations, the public school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and may make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein and may make a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules. 4 Edw. VII. c. 30, s. 14.

Grant to superannuation fund by board.

109. Where a teacher, inspector, or officer of a board whose time is entirely devoted to the work of the board retires, having reached the age of 60 years, or after having been for 20 years in the service of the board, the board, in the case of a teacher, city inspector or other officer, and the county council in the case of a county inspector, may grant him an annual allowance not exceeding the salary which he was receiving at the time of retirement, or may make a grant to him by way of gratuity of a sum not exceeding the present value of such annual allowance computed on the basis of interest at the rate of four per centum per annum. 8 Edw. VII. c. 33, s. 54.

Retiring allowance to teachers, officers and inspectors.

INSTRUCTION IN AGRICULTURE, MANUAL TRAINING AND HOUSEHOLD SCIENCE.

110.—(1) The council of a township may engage the services of a person holding the degree of Bachelor of Science of Agriculture or other certificate of qualification from the Ontario Agricultural College and approved of by the certificate of the Minister or of an instructor qualified as required by the Regulations, to give instruction in agriculture, manual training and household science in the public schools of the municipality, and the council may levy and collect from the ratepayers of such municipality who are public school supporters, such sums as may be necessary to pay the salaries of such instructors, and all other expenses connected therewith.

Engagement of instructor in agriculture by township council.

(2) The courses of instruction shall be those prescribed by the Regulations. 1 Edw. VII. c. 39, s. 9 (1).

Course of instruction.

(3) The board of a rural school section or of a union school section or a number of such boards may severally or jointly engage the services of any person qualified as provided in subsection 1 for the purpose of giving similar instruction to the pupils of their respective schools. 1 Edw. VII. c. 39, s. 9 (2); 6 Edw. VII. c. 53, s. 6.

Engagement by board.

(4) The courses of instruction in agriculture, manual training and household science shall, as far as practicable, be open to all residents of the school section or municipality. 1 Edw. VII. c. 39, s. 9 (3).

Course in agriculture to be open to all residents.

MANUAL TRAINING AND DOMESTIC SCIENCE CLASSES.

Manual training and domestic science classes.

111.—(1) The high school board, the public school board and the separate school board, or the board of education and the separate school board or any of such boards in a city, town or village may enter into agreements with one another for the formation and carrying on of classes for instruction in agriculture, manual training and household science in connection with the work of the schools under the management of such boards, and for providing suitable buildings, apparatus and appliances for carrying on such classes, and the appointment of teachers therefor, and the proportion in which the cost thereof is to be borne by each board.

May appoint committee to manage.

(2) The boards may delegate the management and control of such classes and the buildings, apparatus and appliances used in connection therewith, to such committee or committees as they may see fit, composed of members of such boards or of one or more of them, and such committees may if the cost thereof has been included in the estimate mentioned in subsection 4, procure from time to time such buildings, apparatus, appliances and material as may be deemed necessary for carrying on such classes, and may engage teachers therefor.

Duration of office.

(3) The members of any such committee shall hold office during the pleasure of the board by which they are appointed.

Estimates.

(4) The committees shall annually, on or before the first day of February, furnish to each board an estimate of the amount required for carrying on such classes during the then current year, and the boards shall include in the estimates to be furnished to the council of the city or town the proportion of the amount so required, which is to be provided by the board, and the same shall be included in the school rates of the municipality and levied and collected therewith. 2 Edw. VII. c. 40, s. 5.

PENALTIES AND PROHIBITIONS.

Substitution of unauthorized text-books.

112. If a teacher negligently or wilfully permits an unauthorized book to be used as a text book by the pupils of his school the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book or any less sum at its discretion. 1 Edw. VII. c. 39, s. 97 (2).

False declaration as to right to vote

113. Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees shall incur a penalty of not less than \$5 and not more

more than \$10. 1 Edw. VII. c. 39, s. 101; 6 Edw. VII. c. 53, s. 56.

114. A trustee who refuses to serve after being duly elected shall incur a penalty of \$5 and a person elected as a trustee who, as such, attends any meeting of the board after becoming disqualified, shall incur a penalty of \$20 for every meeting so attended. 1 Edw. VII. c. 39, s. 102. Disqualified persons acting as trustees.

115. Every person elected as trustee who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall incur a penalty not exceeding \$20. 1 Edw. VII. c. 39, s. 109. Penalty for refusal to perform duties.

116. A trustee shall not be eligible for appointment as public school inspector or teacher, nor shall the teacher of a high, public or separate school hold the office of public school trustee, nor shall an inspector be a teacher or trustee of a high, public or separate school while he holds the office of inspector. 1 Edw. VII. c. 39, s. 103. Trustees not to hold certain offices.

117. If a trustee is convicted of any indictable offence, or becomes insane, or without being authorized by resolution entered upon the minutes absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the municipality or school section for which he is a trustee, he shall *ipso facto* vacate his seat, and, subject to the provisions of subsection 2 of section 63, the remaining trustee or trustees shall declare his seat vacant, and forthwith order a new election. 1 Edw. VII. c. 39, s. 104; 6 Edw. VII. c. 53, s. 57. Seat vacated by conviction for crime, etc.

118.—(1) A trustee shall not enter into any contract, agreement, engagement or promise, either in his own name, or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty, on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat. Seat vacated by interest in contract with corporation.

(2) On the complaint of two ratepayers of the municipality or section or of the remaining trustee or trustees, the Judge of the County or District Court shall, on proof of the facts, declare the seat vacant, and subject to the provisions of subsection 2 of section 63, the remaining trustee or trustees shall forthwith order a new election.

(3) Nothing in this section shall prevent a trustee receiving payment as provided by section 37 or prevent the board

board of a rural section from allowing the secretary or treasurer such compensation for his services, as may be approved at the annual meeting of the ratepayers and duly entered in the minutes. 1 Edw. VII. c. 39, s. 105; 6 Edw. VII. c. 53, s. 58.

Newspaper proprietors inserting official advertisements not disqualified from sitting on boards, etc.

119. No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business, if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. 1 Edw. VII. c. 39, s. 106; 6 Edw. VII. c. 53, s. 59.

Penalty for disturbing a school or school meeting.

120. Any person who wilfully interrupts, or disquiets the proceedings of a school meeting, or a public school, by rude or indecent behaviour, or by making a noise either within the place where such meeting is held or such school is kept, or so near thereto as to interfere with the proceedings of the meeting or order of exercises of the school, shall, for each offence incur a penalty not exceeding \$20. 1 Edw. VII. c. 39, s. 108.

Penalty for chairman neglecting to report to inspector.

121. A chairman who neglects to transmit to the inspector a minute of the proceedings of any annual or other rural school meeting over which he has presided, within ten days after the holding of such meeting shall incur a penalty not exceeding \$5. 1 Edw. VII. c. 39, s. 111.

Liability for neglect to take security.

122. If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school moneys and any school moneys are forfeited or lost to the municipality, section or board in consequence of such refusal or neglect, every member of the board shall be personally liable for such moneys, and the same may be recovered by the board or any ratepayer interested therein, suing on behalf of himself and all ratepayers of the municipality or section interested in any Court of competent jurisdiction; but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. (See *Consolidated Municipal Act, 1903*, s. 418 (5).)

Secretary-treasurer, or trustee to deliver up books and moneys.

123. A secretary or a treasurer, and a person having been such secretary or treasurer, and a trustee or other person who has in his possession any book, paper, chattel, or money, which came into his possession as such secretary, treasurer, trustee or otherwise, shall not wrongfully withhold, or neglect or refuse to deliver up, or account for, and pay over the same or any part thereof to the person and in
the

the manner directed by the board, or by other competent authority. 1 Edw. VII. c. 39, s. 114.

124.—(1) Upon application to the Judge of the County or District Court, by the board, or by two ratepayers supported by affidavit showing such wrongful withholding or refusal, the Judge may summon such secretary, treasurer, trustee, or person, to appear before him at a time and place appointed by him. 1 Edw. VII. c. 39, s. 115 (1). Mode of proceeding.

(2) Any bailiff of a Division Court, upon being requested so to do shall serve the summons, or a true copy thereof, on the person complained against personally, or by leaving the same with a grown-up person at his residence. 1 Edw. VII. c. 39, s. 115 (2); 6 Edw. VII. c. 53, s. 61 (1). Service of summons.

(3) At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded, the Judge shall order the person complained against to deliver up, account for, and pay over such book, paper, chattel, or money, by a day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may allow. 1 Edw. VII. c. 39, s. 115 (3); 6 Edw. VII. c. 53, s. 61 (2). Judge to issue order.

(4) In the event of non-compliance with the order, the Judge may order the person complained against to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of the county in which he resides, there to remain without bail until the Judge is satisfied that he has delivered up, accounted for, or paid over the book, paper, chattel or money, in the manner directed by the board, or other competent authority. Effects of non-compliance with judge's order.

(5) Upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly. Discharge on compliance with order.

(6) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the Judge may order his discharge on such terms or conditions as he may deem just. 1 Edw. VII. c. 39, s. 115 (4); 6 Edw. VII. c. 53, s. 61 (3). Discharge on terms.

(7) Such proceedings shall not impair or affect any other remedy which the board, or any other person, may have against the person complained against, or against any other person. 1 Edw. VII. c. 39, s. 115 (5). Other remedy not affected

Penalties on trustees refusing information, etc., to auditor.

125. It shall be the duty of the board and of the secretary and the treasurer to furnish the auditors with any papers or information in their or his power which may be required of them or him relating to the school accounts, and any member of the board or a secretary or treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. 1 Edw. VII. c. 39, s. 116; 6 Edw. VII. c. 53, s. 62.

Penalty for neglect to send half-yearly returns.

126. If the board of a rural school section neglects to transmit to the inspector, in accordance with the Regulations a correct and verified statement of the attendance of pupils in each of the schools under its charge during the twelve months then immediately preceding, the section shall not be entitled to its share of the legislative grant for such twelve months, and every member of the board so neglecting shall be personally responsible for the amount of the loss of such share. 1 Edw. VII. c. 39, s. 117.

Penalty for delaying yearly reports

127. If the board of any school section neglects to prepare and forward such annual statement to their county inspector by the 15th day of January in every year, each of them shall, for every week thereafter until such statement has been prepared and presented, shall incur a penalty not exceeding \$5. 1 Edw. VII. c. 39, s. 118.

Penalty for false school reports and registers.

128. If a trustee knowingly signs a false report, or if a teacher keeps a false school register, or makes a false return, he shall, for every offence incur a penalty not exceeding \$20. 1 Edw. VII. c. 39, s. 119.

Clerk neglecting or refusing to perform duties.

129. If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglects for one month to make any return required by this Act, he shall incur a penalty not exceeding \$10. 1 Edw. VII. c. 39, s. 100.

Penalty for not calling school meetings.

130. If an annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall incur a penalty of \$5. 1 Edw. VII. c. 39, s. 107.

N.B.—*A Trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and anyone employing or paying him to act as agent or otherwise, are liable to the penalties imposed by The Department of Education Act. See 9 Edw. VII. c. 88, s. 28.*

Penalties for not maintaining school as required by Act.

131. Where a board makes default in maintaining a public school during the whole school year or such part thereof as this Act requires every member of the board shall incur a penalty of \$5 for every week during which such default continues, unless he proves that he did everything in his power to prevent such default.

HOW FINES AND PENALTIES MAY BE RECOVERED.

132. The penalties imposed by this Act shall be recover-
 able under *The Ontario Summary Convictions Act*, and
 shall be applied to such school purposes as the Minister may
 direct.

How penalties
 under this Act
 shall be
 recoverable.

REPEAL.

133. *The Public Schools Act*, except section 31, and all
 amendments thereto, except section 19 of the Act passed in
 the 8th year of His Majesty's reign, chaptered 67, are
 hereby repealed.

Repeal.

9 EDWARD VII., CHAPTER 90.

An Act respecting Continuation Schools.

Assented to 13th April, 1909.

SHORT TITLE, s. 1.
 INTERPRETATION, s. 2.
 APPLICATION OF PARTS OF ACT,
 s. 3.

PART I.

ESTABLISHMENT OF CONTINUA-
 TION SCHOOLS BY PUBLIC
 SCHOOL BOARDS, s. 4.

PART II.

ESTABLISHMENT OF CONTINUATION
 SCHOOLS BY COUNTY COUN-
 CILS, s. 5.

Board of trustees, s. 6.
 Rates for maintenance, s. 7.
 Fees, s. 8.

PART III.

CONTINUATION SCHOOLS NOT TO
 BE ESTABLISHED WHERE THERE
 ARE HIGH SCHOOLS, s. 9.
 County Grant, s. 10.
 Admission of pupils, s. 11.
 Qualification of teachers, s. 12.
 Courses of study, s. 13.

HIS MAJESTY, by and with the advice and consent of
 the Legislative Assembly of the Province of Ontario,
 enacts as follows:—

PRELIMINARY.

Short title. 1. This Act may be cited as "*The Continuation Schools Act.*"

Interpretation. 2. In this Act,—

"Minister." (a) "Minister" shall mean the Minister of Education.

"Regulations." (b) "Regulations" shall mean regulations made under
 the authority of *The Department of Education Act*.

Application of Part I. 3.—(1) Part I. shall apply to all Continuation Schools
 heretofore established under *The Public Schools Act*, and
 in operation at the time of the passing of this Act and to
 Continuation Schools hereafter established under this Act,
 except those established by county councils as provided
 in Part II.

Part II. (2) Part II. shall apply to Continuation Schools here-
 after established by county councils as provided in this Act.

Part III. (3) Part III. shall apply to all Continuation Schools to
 which Parts I. and II. apply.

PART I.

Establishment of schools by public school boards. 4.—(1) Subject to the Regulations, the Public School
 Board of any municipality or school section may establish
 and maintain a Continuation School in connection with
 any Public School under its control.

(2)

(2) The Board shall have in respect of such Continuation School all the powers conferred on Public School Boards, as to acquiring a school site, erecting buildings and additions to existing buildings and providing equipment for such Continuation Schools.

(3) Agreements may be entered into by two or more Public School Boards or by one or more of such Boards and one or more Separate School Boards for the establishment and maintenance of a Continuation School to be conducted in one of the Public or Separate Schools under their control or in some other place agreed upon by the Boards for the benefit of the pupils of all of such schools, and any such agreement shall specify the proportion of the cost of the establishment and maintenance of the Continuation School to be paid by each of such Boards or shall provide for the manner in which such proportion shall be determined.

Agreements
among boards.

(4) Where Boards for sections or municipalities situate in different counties of a union of counties have entered into an agreement for establishing and maintaining a Continuation School the council of the united counties may determine the proportion to be paid by each of such counties.

Where boards
agreeing are in
different
counties of the
union.

(5) Where the Board of a union school section establishes a Continuation School or enters into an agreement with any other Board for the establishment of the same the council of each municipality included or part of which is included in the union school section shall levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining such Continuation School according to the equalized assessment under *The Public Schools Act* of the part of the union school section comprised in the municipality.

Apportionment
of cost in union
school sections

(6) For the purposes of subsections 1 and 2 of section 91 of *The Public Schools Act* a Continuation School shall be deemed a Public School.

Township
grant towards
salary of
teacher.

(7) All non-resident pupils and resident pupils who have completed the course of study prescribed for the fifth form of Public Schools may be charged such fees as the board or boards may deem expedient, but such fees shall be uniform for residents and non-residents and shall not exceed \$1 a month for each pupil.

Fees.

PART II.

5.—(1) Subject to the provisions of section 9, the council of a county with the approval of the Minister may establish in any township, town or village in the county one or more Continuation Schools, each of which shall have a staff of at least two teachers engaged for their whole time.

Establishment
by county
council.

(2)

Attaching part
of township to
village or
town.

(2) Where a Continuation School is established in a village or town the county council may attach to the village or town for the purposes of this section any portion of a township contiguous thereto.

Urban district.

(3) A village or town in which a Continuation School is established with the territory, (if any), so attached shall constitute an Urban Continuation School District.

Rural district.

(4) Where the school is established in a township, the township, except such part thereof as is included in an Urban Continuation School District shall constitute a Rural Continuation School District.

In provisional
judicial
districts.

(5) The council of a municipality in territory without county organization, may, with the approval of the Minister, establish a Continuation School and the amount which would be contributed by the county if such school had been established by a county council towards the establishment and maintenance of the school or the maintenance of non-resident pupils attending the same shall be paid by the Treasurer of Ontario on the certificate of the Minister out of any moneys appropriated for that purpose.

Board of
trustees.

6.—(1) The control and management of all Continuation Schools in a Continuation School District shall be vested in one Board of Trustees to be composed as follows:—

- (a) Three trustees to be appointed by the council of the township or other municipality in which the school is situate;
- (b) Where an Urban Continuation School District includes a part of a township one additional trustee appointed by the township council;
- (c) Three trustees to be appointed by the county council, and
- (d) If there is a Separate School in a Rural Continuation School District, one trustee to be appointed by the county council from among the persons assessed as Separate School supporters in the township, or
- (e) If there is a Separate School in an Urban Continuation School District, one trustee to be appointed by the Separate School Board; or
- (f) If there is a Separate School in territory without county organization, one trustee to be appointed by the council from among the persons assessed as Separate School supporters in the municipality.

(2) Every such Board shall be a corporation by the name of "The ^{Corporate name.} Continuation School Board," inserting the name of the municipality in which the school is situate.

(3) Except as otherwise provided by this Act the provisions of *The High Schools Act*, with respect to the qualification, appointment and tenure of office, and, subject to the Regulations, the provisions of the said Act, as to the powers and duties of High School Boards shall, *mutatis mutandis*, apply to Continuation School Boards. ^{Application of provisions as to High School Boards.}

7.—(1) The council of a township, village or town in which a Continuation School is established shall levy and collect in each year such amount as the Board may deem necessary for the maintenance of the school over and above what is received from the county council and other sources and a further sum not exceeding \$500 in any one year for permanent improvements. ^{Rates for maintenance.}

(2) Where a part of a township has been attached to a town or village under the provisions of this Part the township council shall levy and collect in that part of the township such proportion of the amount required by the Board as the value of the property so liable bears to the value of all the property included in the district according to the equalized assessment of the year. ^{When part of township in urban section.}

(3) Where the sum required by the Board for permanent improvements exceeds \$500 the same shall be raised on the application of the Board in the same manner as is provided with respect to High Schools by section 38 of *The High Schools Act*. ^{Where amount required for permanent improvements exceeds \$500}

(4) Where the cost of maintenance of county pupils at a Continuation School exceeds the amount apportioned by the Minister and the fees received from county pupils, the county shall in lieu of the equivalent of the amount apportioned out of the Legislative grant, pay to the Continuation School Board a sum to be ascertained in the same manner as is provided with respect to High Schools by section 34 of *The High Schools Act*. ^{County contribution in lieu of equivalent of legislative grant.}

8. A Continuation School Board may charge such fees as it deems proper, but such fees shall not exceed \$1 a month for each pupil, and shall be uniform for all classes of pupils. ^{Fees.}

PART III.

9. A Continuation School shall not be established or maintained in a High School District. ^{Schools not to be established where there are High Schools.}

County grant.

10.—(1) Subject to the provisions of subsection 4 of section 7, the council of the county in which a Continuation School is situate shall pay towards the maintenance of such school a sum equal to the amount apportioned to the school by the Minister out of the Legislative grant, and the county council may contribute such further sum as it may deem expedient.

Apportionment
between united
counties.

(2) The council of united counties may apportion the amount to be levied for Continuation Schools so that each county in the union shall be liable only for sums payable in respect to Continuation Schools situate therein.

Grant from
county for
agricultural
department.

(3) Where an Agricultural Department is established by the Minister in a Continuation School, the council of the county in which the Continuation School is situated, shall on or before the 15th day of December in each year pay to the board of the school in which such department is established the sum of \$500 which shall be applied by the board to the purposes of such department.

Admission
of pupils.

11. Pupils whether resident or non-resident may be admitted to a Continuation School in accordance with the Regulations governing the admission of pupils to High Schools or on the report of the principal approved by the Public School Inspector.

Qualification
of teachers.

12. Every teacher appointed as principal or assistant in a Continuation School shall possess such qualifications as may be prescribed by the Regulations.

Courses of
study.

13. The courses of study in Continuation Schools shall be such as are prescribed by the Regulations.

9 EDWARD VII., CHAPTER 91.

An Act respecting High Schools and Collegiate Institutes.

Assented to 13th April, 1909.

SHORT TITLE, s. 1.	COLLECTION OF RATES, s. 37.
INTERPRETATION, s. 2.	GRANTS FOR PERMANENT IMPROVEMENTS, ss. 38-41.
HIGH SCHOOL CORPORATIONS, s. 3.	FEES, ss. 42, 43.
HIGH SCHOOL DISTRICTS, ss. 4-6.	ENTRANCE EXAMINATIONS, ss. 44-47.
NEW HIGH SCHOOLS, ss. 7, 8.	TEACHERS, ss. 48-50.
COURSES OF STUDY, ss. 9-11.	Qualifications, etc., s. 48.
TRUSTEES, ss. 12-20.	Agreements, s. 49.
Vacancies on board, s. 21.	Retiring allowances, s. 50.
Meetings of board, s. 22.	TERMS, s. 51.
Security of treasurer, etc., s. 23.	AUTHORIZED BOOKS, s. 52.
Duties of board, ss. 24-26.	PENALTIES AND PROHIBITIONS, ss. 53-65.
PROPERTY VESTED IN BOARDS, ss. 27, 28.	REPEAL, s. 66.
SCHOLARSHIPS, ss. 29-32.	
MUNICIPAL GRANTS FOR MAINTENANCE, ss. 33-36.	

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

GENERAL.

1. This Act may be cited as "*The High Schools Act.*" Short title.
- 1 Edw. VII., c. 40, s. 1.
- 2.—(1) In this Act— Interpretation.
 - (a) "Board" shall mean a Board of High School Trustees. "Board."
 - (b) "County Judge" and "Judge" shall mean the senior Judge of the county or district court of the county or district in which the high school is or is to be situate, or if he is a member of the High School Board, or is unable to act, or is disqualified, shall mean the Junior Judge of the county or district Court, or if he is a member of the Board or is unable to act, or is disqualified, shall mean the Judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census; "County judge" or "judge."
 - (c) "County pupils" shall mean pupils who reside or whose parents or guardians reside in the county in which the high school attended by such pupils is situate, but not within the limits of the high school district, and shall not include pupils who are resident pupils as herein defined; "County pupils."
 - (d) "Department" shall mean Department of Education; "Department."
 - (e)

- "High School." (e) "High School" shall include a Collegiate Institute;
- "High School District." (f) "High School District" shall mean the municipalities and parts of municipalities over which a board has jurisdiction;
- "Maintenance." (g) "Maintenance" shall include ordinary repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance of the school property, salaries of the teachers, officers and servants of the board, the expense of conducting entrance examinations, and other expenses for ordinary school purposes and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the Regulations, and shall also include gratuities and retiring allowances granted to teachers;
- "Minister." (h) "Minister" shall mean Minister of Education;
- "Municipality." (i) "Municipality" shall include a city, town, village or township, but not a county;
- "Non-resident pupils." (j) "Non-resident pupils" shall mean pupils other than county pupils and resident pupils as herein defined;
- "Permanent improvements." (k) "Permanent improvements" shall include the purchase or rental of a residence for a teacher, or of a school site, the erection or rental of a school house, the enlargement of both or either of them, changing the system of heating or ventilation, the erection of fences, outhouses and gymnasium, the purchase of school furniture, maps and apparatus, library, and all other appliances required by the Regulations;
- "Regulations." (l) "Regulations" shall mean the Regulations made by the Minister under *The Department of Education Act*;
- "Resident pupils." (m) "Resident pupils" shall mean pupils whose usual place of abode is within the high school district, or who are assessed or whose parents or guardians are assessed within the district for an amount equal to the average assessment of the ratepayers therein;
- "Separated town." (n) "Separated town" shall include a town separated for municipal purposes from the county in which it is situate, and a town in territory without county organization. 1 Edw. VII., c. 40, s. 2.

- (o) "Urban municipality" shall mean a city, town or village. "Urban Municipality."
- (2) Where reference is made to the population of a municipality or other locality or to a number of inhabitants or ratepayers, the same shall be determined by the last enumeration by the assessor. References to population.
- (3) The certificate of the Clerk of the municipality with respect to such population or number shall be final and conclusive. Certificate of clerk to be final.

HIGH SCHOOL CORPORATIONS.

- 3.—(1) The trustees of every high school district shall be a corporation by the name of "The High School Board of," or "The Collegiate Institute Board of," (as the case may be) adding the name of the municipality within which the high school or collegiate institute is situate. Trustees to be a corporation.
- (2) The trustees of every high school district shall hold office until their successors are appointed and the new board is organized. 1 Edw. VII., c. 40, s. 3. To hold office until successors appointed.

HIGH SCHOOL DISTRICTS.

4. Whenever a high school district has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such district had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of such district and notice thereof has been given to the persons who ought, according to the practice of the court in which the proceedings are taken, to be served with notice thereof, and such proceedings shall result in its being determined that such district has not been legally formed. Existing high school districts confirmed.
5. The county council may, on the petition of any municipal council, detach the municipality or any part thereof from any district formed by by-law of the county council, but any change made in the boundaries of a district shall not relieve the taxable property of the district or any part thereof from the rates imposed for the payment of debentures or from any other debts incurred before such change. 1 Edw. VII., c. 40, s. 7. Lands not relieved from rates.

- 6.—(1) The council of any county on the petition of two-thirds of the ratepayers of any municipality or part thereof situate within such county and contiguous to any high school district or village, or to a town containing less than three thousand inhabitants in such county, may, by by-law, unite such municipality or part thereof to such district. Unions of municipalities or portions thereof for high school purposes.

district, village or town, for high school purposes, and the union shall take effect on the first day of January next following the expiration of six months after the passing of the by-law.

Dissolution of Union.

(2) The county council on the petition of two-thirds of the ratepayers of any municipality or part thereof united to any such district, incorporated village or town, may, by by-law dissolve the union; but no such by-law shall come into operation until the first day of January next following the expiration of six months after the passing thereof nor relieve the municipality or any part thereof from any rates imposed for the payment of debentures nor from any other debts incurred while such union existed.

Assets of municipalities united vested in board of same.

(3) Where two municipalities become united, all the assets of the boards of both municipalities shall forthwith be vested in, and all the liabilities of such boards shall forthwith become liabilities of, the board of the united municipality.

NEW HIGH SCHOOLS.

Establishment and discontinuance of high schools.

7.—(1) On or before the first day of July in any year the council of a county may, with the approval of the Minister, pass by-laws for the establishment of a new high school district,

(a) for a municipality not separated from the county containing at least one thousand inhabitants and the council of any county may, in like manner, with the approval of the Lieutenant-Governor in Council, discontinue, at the end of the current calendar year, any high school district thereafter established;

Formation of districts in special cases.

(b) for two or more townships or parts of townships within such county, if there are at least three thousand inhabitants within the proposed district, and if at least two-thirds of the ratepayers of each of such townships or parts of townships petition for such high school district;

Establishing new high school districts in villages and towns.

(c) in a village in such county or in a town therein not separated from the county including within the proposed district the village or town and the whole or a part of any municipality or municipalities in such county contiguous to such village or town, provided that the whole of such proposed district contains at least three thousand inhabitants, and if two-thirds of the ratepayers in each municipality or part of a municipality to be included in such district sign a petition for such high school district.

(2)

(2) In the case provided for by clause (b) of subsection 1, the high school shall be located at such place as is named in the petition. Location of school.

8. The council of a city or separated town may, with the approval of the Minister, establish as many high schools in such city or separated town as it may deem expedient. In cities, and separated towns.
1 Edw. VII., c. 40, s. 9.

COURSES OF STUDY.

9.—(1) The courses of study shall be those prescribed by the Regulations. Course of instruction in high schools.

(2) Any high school which complies with the Regulations with respect to collegiate institutes may be raised to the rank of a collegiate institute by the Minister. 1 Edw. VII., c. 40, s. 10. Collegiate institutes.

(3) The Lieutenant-Governor in Council may, upon the report of the Minister, reduce a collegiate institute to the rank of a high school. Reducing collegiate institutes.

10.—(1) A board may establish classes in military instruction, appoint a qualified drill instructor and provide uniforms for such classes. Military instruction.

(2) A board may annually vote a sum not exceeding \$150 for each high school within its jurisdiction for the encouragement of athletics and to defray the expenses of school games. 1 Edw. VII., c. 40, s. 11; 2 Edw. VII., c. 42, s. 5. Grants for athletics.

11. A high school board, a public school board and a continuation school board, or any one or more of such boards may engage the services of any person holding the degree of Bachelor of Science of Agriculture or other certificate of qualification from the Ontario Agricultural College and approved of by the Minister, to give instruction in agriculture to the pupils of their respective schools. Instructors in agriculture.

TRUSTEES.

12. Any ratepayer who is a British subject, has attained the age of 21 years and resides in the high school district and who is not a member or officer of a municipal council shall be qualified to be a high school trustee. Qualification of trustee.

13. Every high school board shall consist of at least six trustees. Number of high school trustees.

14.—(1) In the case of a high school situate in a municipality of the county not being a city or a separated town, three

Appointment
of trustees.

three of such trustees shall be appointed by the county council, and additional trustees shall be appointed, as follows:—

(a) Where the district comprises one municipality the council thereof shall appoint three additional trustees;

(b) Where the district comprises two municipalities, each council shall appoint two additional trustees; and,

(c) Where a district comprises more than two municipalities, each council shall appoint one additional trustee.

Part of a municipality may be deemed a municipality.

(2) A part of a municipality which is assessed for at least \$50,000 shall be deemed a municipality for the purposes of this section.

Annual retirement of trustees.

(3) One of the trustees appointed by the county council and one trustee appointed by each other council shall retire each year.

Where district composed of county.

15. Where a high school district comprises the whole of a county, the county council shall appoint six trustees, two of whom shall retire each year.

Trustees in cities and separated towns.

16.—(1) In a city and in a separated town the council shall appoint six trustees, and the trustees so appointed shall, with such additional trustees as are authorized by this Act, form the board.

Council to provide for annual retirement.

(2) The council shall provide for the annual retirement of two of the trustees appointed by them so as to secure a complete rotation every three years.

Admission of county pupils to city or town school.

17. Where the Board of a high school situate in a city or in a separated town, notifies the county clerk that the high school is open to county pupils on the same terms as high schools in municipalities not separated from the county, the county council may, from time to time, appoint three additional trustees for such high school so long as the school is open to county pupils on such terms, and such high school shall for all the purposes of this Act be considered a county high school.

Councils to provide for order of retirement of trustees.

18. The council which has the power and duty of appointing high school trustees shall provide for the order of their retirement.

Separate school board to appoint a trustee.

19. The board of separate school trustees of a city, town, or village in which a high school is situate, may appoint

to

to the board, one trustee who shall not be a member of the separate school board and who shall hold office for one year.

20. Except in the case of a board of education, the public school board of every urban municipality and the board of a union public school section which includes an urban municipality may appoint one trustee who is not a member of the public school board, to the high school board of such urban municipality, and he shall hold office for one year. 1 Edw. VII., c. 40, s. 13.

Appointment by public school trustees in urban municipalities

Vacancies on Board.

21.—(1) Vacancies arising from the annual retirement of trustees shall be filled by the appointing body at its first meeting in each year after being organized.

Vacancies caused by annual retirement, how filled.

(2) Vacancies arising from death, resignation, removal from the high school district or county or otherwise, shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant.

Vacancies from other causes.

(3) Where a separated town is re-united to the county, the two trustees whose term of office shall first expire and one of the trustees whose term of office shall next expire, to be selected by lot, shall retire as soon as the county council has appointed three trustees, and the remaining three trustees together with three trustees to be appointed by the county council shall then constitute the board of the high school district. 1 Edw. VII., c. 40, s. 14.

Where separated town is re-united to county.

MEETINGS OF BOARD.

22.—(1) The first meeting of the board in each year shall be held at the hour of seven o'clock in the evening of the first Wednesday in February or at such other hour of the same day as may have been determined by resolution of the former board.

First meeting of board.

(2) At the first meeting in each year of every board and whenever the office of chairman becomes vacant then at the first meeting of the board after the vacancy occurs the members shall elect one of their number to be chairman.

Election of chairman.

(3) The members of the board may also elect one of their number to be vice-chairman, and he shall preside in the absence of the chairman.

Vice-chairman

(4) If at any meeting there is no chairman or vice-chairman present the members present may elect a chairman for that meeting.

Chairman pro tem.

Secretary and
Treasurer.

(5) At the first meeting and as often as a vacancy occurs the board shall also elect a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board.

Secretary
pro tem.

(6) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting.

Quorum.

(7) The presence of a majority of all the members constituting the board shall be necessary to form a quorum.

Secretary to
preside at first
meeting until
chairman
elected.

(8) The secretary or secretary-treasurer shall preside at the first meeting until the chairman is elected, or if there is no secretary or secretary-treasurer then such member of the board shall preside as may be elected for that purpose.

Equality of
votes on the
election of
chairman.

(9) In case of an equality of votes at the election of chairman, the trustee who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

Chairman
to vote.

(10) The presiding officer may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to have been negatived. 1 Edw. VII., c. 40, s. 15.

SECURITY OF TREASURER AND SECRETARY-TREASURER.

Security to be
given by
treasurer and
secretary-
treasurer.

23.—(1) Every treasurer and every secretary-treasurer shall give security for the due and faithful performance of his duties and shall submit his accounts to the auditors of the municipality in which the high school is situate.

Audit.

(2) It shall be the duty of the auditors to audit such accounts in the same way as the municipal treasurer's accounts are audited. 1 Edw. VII., c. 40, s. 39 (2).

DUTIES OF BOARD.

Duties of
trustees.

24. It shall be the duty of every board, and it shall have power:—

Fix meetings
of board.

(a) To fix the times and places for the meetings of the board, and the mode of calling and conducting them, and to see that a full and correct account is kept of the proceedings thereat;

Conduct of
school.

(b) To see that the school is conducted according to this Act, and the Regulations;

Accommoda-
tion for pupils.

(c) To provide adequate accommodation according to the Regulations for all pupils;

Charge of
high school.

(d) To take charge of the school, to keep the school buildings and premises in proper repair, to provide

provide suitable furniture and equipment, and to protect the property of the board;

- (e) Subject to the provisions of this Act, to fix the amount to be paid by parents and guardians for each pupil attending the school, and the times of payment, and, when necessary, to enforce payment thereof; Collection of fees for tuition.
- (f) To take proper security from the treasurer or secretary-treasurer; Security of treasurer or secretary-treasurer.
- (g) To give the necessary orders upon the treasurer for the payment of gratuities or retiring allowances of teachers and the salaries of the teachers and other officers and servants of the board, and of such other expenses for promoting the interests of the school as may be authorized by the board; Orders for salaries and expenses.
- (h) To apply to the municipal council liable under this Act on or before the 1st day of August, or at such time before that day as may be required by the council, for such sums as the board may require for the maintenance of the school for the twelve months next following the date of such application, apart from fees from pupils, the appropriation from the Legislative grant, the contribution by the County Council and the revenue from other sources, and for such additional sum as may be deemed expedient for permanent improvements for the same period not exceeding five hundred dollars; Applications to councils, how made.
- (i) To expel, on the report of the principal, any pupil whose conduct may be deemed injurious to the welfare of the school, and to exclude any pupil whose parents or guardians neglect or refuse to pay the fees of such pupil after reasonable notice; Expulsion of pupils.
- (j) To appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their duties; Appointment and removal of teachers.
- (k) To certify to the treasurer of the county on or before the 1st day of August in each year, the amount of fees collected from county pupils for the next preceding calendar year; Certify fees received.
- (l) To prepare and transmit on or before the 15th day of January in each year to the Minister the annual report, in accordance with forms provided by the Department. 1 Edw. VII., c. 40, s. 16. Annual report to Minister.

Trustees may purchase books and supplies.

25. The Board may—

May furnish same fees or collect fees free for the use thereof.

(a) Purchase for the use of pupils text books and other school supplies, and either furnish the same to them free of charge or collect for the use thereof from such pupils or their parents or guardians a sum not exceeding twenty-five cents per month for each pupil to defray the cost thereof. 4 Edw. VII., c. 31, s. 1.

Penny Savings Bank.

(b) Provide books, stationery and other materials necessary in connection with the establishment and maintenance of a Penny Savings Bank, or any system introduced for the encouragement of thrift and the habit of saving. 8 Edw. VII., c. 33, s. 55.

Supervising principal in urban municipality.

26. Where there are more high schools than one in an urban municipality, the board may appoint a supervising principal, having the qualifications of a high school principal, who, subject to the Regulations, shall perform such duties in connection with the high schools as may be assigned to him by the board.

PROPERTY VESTED IN BOARDS.

High school property vested in trustees.

27.—(1) All property heretofore granted or devised to, acquired by or vested in any person or corporation, for the high school purposes of any locality, or which may hereafter be so granted, devised, acquired or vested shall be vested in the board having jurisdiction in such locality.

Power to sell or convey, etc.

(2) The board shall have full power to sell, convey, transfer, or lease such property, or any part thereof, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes. 1 Edw. VII., c. 40, s. 31, *part*.

High school trustees may sell site.

28. A board, with the approval of the municipal council or of a majority of the municipal councils having jurisdiction within the high school district, and of the Minister, may sell, and transfer any site, or other property vested in the board, and after making provision for all debts and liabilities of the board, may apply the residue of the proceeds to any purpose that may be approved by the Minister, and thereupon the Lieutenant-Governor in Council may, by proclamation, declare the corporation dissolved. 1 Edw. VII., c. 40, s. 31.

SCHOLARSHIPS.

Receiving money for establishment of scholarship.

29. Any person may, with the approval of the board, found a scholarship or prize.

30.—(1) A board may annually award five scholarships ^{Scholarships for public and separate school pupils,} to the pupils of the public or separate schools situate within the high school district.

(2) The number of such scholarships shall be fixed by ^{Number and mode of awarding.} the high school board, which may award the same by competitive examinations or otherwise and may prescribe the tenure of such scholarships and provide for the expenses of holding examinations therefor.

(3) A scholarship shall be awarded only to a pupil who is ^{Who may receive.} a ratepayer or the child of a ratepayer in a municipality contributing to the maintenance of the high school.

31.—(1) A board may annually award free scholarships ^{Free Scholarships.} to the pupils on the results of form or other examinations.

(2) The board may make such rules and regulations ^{Rules as to.} regarding such scholarships as it may deem expedient. 2 Edw. VII., c. 42, s. 4.

32. A board may invest any money received through ^{Investment of scholarship fund.} legacy, gift or otherwise, and for such purpose shall have and may exercise the powers conferred upon trustees by ^{9 Edw. VII., c. 59.} *The Trustee Investment Act.* 1 Edw. VII., c. 40, s. 32.

MUNICIPAL GRANTS FOR MAINTENANCE.

33.—(1) The council of every county shall on or before the ^{Aid to high schools from counties.} 15th day of December in each year pay to the board of every high school in towns not separated from the county, and in villages and townships within the county for the maintenance of the high schools, without any deduction on account of fees paid by county pupils, an amount equal to that apportioned by the Minister to such high school out of the legislative grant for the maintenance of high schools. 1 Edw. VII., c. 40, s. 33.

(2) Where an Agricultural Department is established by ^{County grant to agricultural department.} the Minister in a high school the council of the county in which the high school is situate, shall on or before the 15th day of December in each year pay to the board of the school in which such department is established the sum of \$500 which shall be applied by the board to the purposes of such department.

34.—(1) Where the cost of the maintenance of county pupils at a high school exceeds the amount apportioned by the Minister and the fees received from county pupils, the county shall, in lieu of the equivalent of the amount apportioned out of the legislative grant, pay to the Board a sum to be ascertained in the manner following:—

From

Mode of
ascertaining
county grant.

From the total cost of maintenance of the high school the amount apportioned out of the legislative grant shall first be deducted; the remainder shall be divided by the total number of days' attendance of all pupils at the school during the next preceding three years, and the resulting amount shall be multiplied by the total number of days' attendance of county pupils during the same three years and from the resulting amount the fees received from county pupils shall be deducted and the remainder shall be the sum payable by such county.

Reckoning
attendance in
case of new
school.

(2) Where a high school has not been in existence for three years, the attendance shall be reckoned for the period during which it has been open.

Disputes as to
grants to be
referred to
county judge.

(3) The board and the county council may by agreement settle the amount to be paid by the county for the maintenance of county pupils, in any year, but if they do not agree the same shall be settled by the judge on the application of either party.

Agreement not
to affect apportionment
of county aid.

(4) No agreement or settlement so made shall affect the apportionment of county aid authorized by section 39.

Award of judge
binding for 3
years.

(5) Where a high school has been in existence for three years or more, an award made by the judge shall be binding for three years, and, where it has not been in existence for three years, for one year only.

Statements to
be submitted
to judge.

(6) In case of a reference the board shall submit to the judge a detailed statement of all receipts and expenditures for maintenance of the high school for each of the preceding years or less period under consideration, which shall be certified by the auditors, and a statement certified by the chairman of the board of the names, residences and attendance of all resident, non-resident, and county pupils for each of such years, or for such period, and giving a separate list with names and addresses of the county pupils on whose account the demand for payment is made, and a statement certified by the chairman of the amount apportioned out of the legislative grants and of all fees received from county pupils during each of such years or during such period, and shall also furnish to the judge such further information as he may require. 1 Edw. VII., c. 40, s. 34 (1, 2, 3).

Maintenance
of county
pupils in city
or town high
school.

35.—(1) Where the board of a city or a separated town has notified the county clerk that the high school is open to county pupils on the same terms as high schools in the municipalities not separated from the county are open to such pupils the county council shall, on or before the 15th day of December in each year, pay a sum equal to eighty per cent. of the cost of the maintenance of county pupils at such high school. 1 Edw. VII., c. 40, s. 34 (6); 3 Edw. VII., c. 33, s. 1.

(2)

(2) Where the board of a city, town, village or township has notified the clerk of any county adjacent to that in which the high school is situate that such high school is open to pupils resident in such adjacent county on the same terms as to county pupils, the council of such adjacent county shall, on or before the 15th day of December in each year, pay for the maintenance of pupils from such county attending such high school a sum equal to 65 per cent. of the cost of the maintenance of pupils at such high school.

Maintenance of county pupils in city, town and village high schools.

(3) Subsections 1 and 2 shall not apply to a city which has a population of 50,000 or over. 3 Edw. VII., c. 33, s. 2 (1).

Certain cities excepted.

(4) Where the board of a municipality contiguous to a city gives notice to the city clerk that such high school is open to city pupils on the same terms as it is open to the resident pupils of the municipality in which the high school is situate, the council of the city shall, on or before the 15th day of December in each year, pay to the board 80 per cent. of the cost of maintenance of city pupils at the high school. 4 Edw. VII., c. 31, s. 2.

Contribution by city council to cost of maintenance of pupils at school in adjoining municipality.

(5) The amount payable under subsections 1, 2 and 4 shall be ascertained as follows:—

Mode of ascertaining amount payable by city.

From the total cost of maintenance of the high school the amount apportioned out of the legislative grants shall first be deducted; the remainder shall be divided by the total number of days' attendance of all pupils at such high school during the year for which payment is to be made; the resulting amount shall be multiplied by the total number of days' attendance of pupils in respect of whom such county or municipality is liable; the percentage prescribed by the subsection under which payment is to be made shall then be determined, and from that amount the fees paid by such pupils shall be deducted, and the resulting amount shall be the sum payable by such county or municipality. 7 Edw. VII., c. 23, s. 40.

(6) Where the parties do not agree as to the amount so payable the same shall be ascertained by the Judge on the application of either party.

Reference to judge.

(7) On the reference to the Judge the board shall submit to him statements similar to those mentioned in subsection 6 of section 34, certified in a similar manner, and shall furnish such further information as he may require.

Statements to be submitted to judge.

36. The costs of a reference to the judge under sections 34 or 35 shall be in his discretion and the amount thereof shall be fixed by him and he may direct to, and by whom and in what manner the same shall be paid. 1 Edw. VII., c. 40, s. 34 (4).

Costs of reference to judge.

COLLECTION OF RATES.

Councils to
levy rates in
high school
districts.

37. The council or councils having jurisdiction shall levy and collect each year in their respective municipalities or the parts thereof within the high school district such amount as the board may deem necessary for the maintenance of the high school in addition to that received from the county council and from other sources under this Act and a further sum, not exceeding \$500, in any one year if required by the board for permanent improvements, and such amount shall be levied by one uniform rate over the whole district. 1 Edw. VII., c. 40, s. 35.

GRANTS FOR PERMANENT IMPROVEMENTS.

Grants for
permanent im-
provements
exceeding \$500

38.—(1) Where the sum required by a board for permanent improvements exceeds \$500, the same shall be raised on the application of the board by the issue of municipal debentures as herein provided, and all sums required to pay off such debentures, and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district.

Application of
board to
council.

(2) The application of the board shall be made to the council or councils having jurisdiction over the high school district, and in it the board may state the minimum term of years, not exceeding thirty, within which the sum required is to be repaid.

Council to deal
with applica-
tion.

(3) The council, or, if more than one, each of the councils applied to, at its first meeting after receiving the application, or as soon thereafter as possible, shall consider and approve or disapprove the same; and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

Issue of
debentures.

(4) If the council or a majority of the councils, where there are more than one, approve of the application, the council of the municipality within which the high school is situate shall raise the sum required by the issue of debentures in the manner provided by *The Consolidated Municipal Act, 1903*.

3 Edw. VII.,
c. 19.

If council dis-
approves
application it is
to be submitted
to ratepayers.

(5) If the council or half the number of councils where there are more than one, disapprove of the application, such council or each of such councils, where there are more than one, on the request of the board shall submit the application to a vote of the electors of its municipality or of the part thereof comprised in the high school district in the manner provided by *The Consolidated Municipal Act, 1903*, for a by-law for contracting a debt.

3 Edw. VII.,
c. 19.

(6) If a majority of the votes cast throughout the high school district are in favour of the application the council of the municipality in which the high school is situate, shall in the manner provided by *The Consolidated Municipal Act, 1903*, but without submitting any by-law to the electors raise the required sum by the issue of debentures.

When rate-payers approve application debentures to be issued.

(7) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the same to a vote of the electors.

Council may act without submission to ratepayers.

(8) Where a high school district comprises more than one municipality or parts of more than one municipality each municipality shall be liable for such proportion of the principal and interest payable under, and of the expenses connected with, the debentures as the equalized assessment of that part of the high school district which is within such municipality bears to the equalized assessment of the whole district, and the council of each of the other municipalities shall pay its proportion to the council of the municipality which has issued the debentures.

Proportionate payment of debenture debt by municipalities.

(9) A debenture may be for such term of years not exceeding thirty and not less than that mentioned in the application of the board as the municipal council or councils concerned or a majority of them may think proper or the council or councils or a majority of them shall, if the board has so requested, and may whether such request has been made or not, make the debenture debt payable by annual or other instalments in the manner provided by *The Consolidated Municipal Act, 1903*.

Term of debentures.

(a) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall, for the purposes of this subsection, be deemed a majority.

3 Edw. VII., c. 19.

(10) Nothing in this section shall prevent the municipality in which the high school is situate from assuming the full cost of permanent improvements or from undertaking to pay any debentures that may be issued therefor, notwithstanding that such municipality forms only a part of the high school district. 1 Edw. VII., c. 40, s. 37.

Municipality in which high school is situate may assume full cost of permanent improvements.

39.—(1) The council of any municipality or county may raise by assessment in addition to any sums which it is required by this Act to raise such further sums as it may deem expedient for the maintenance or permanent improvement of a high school, provided that, in the case of a county, any additional sum so raised shall be apportioned (except as hereinafter provided) among all the high schools of the county in proportion to the liability of the county to each board. 1 Edw. VII., c. 40, s. 38 (1).

Council may raise further sum for high school purposes.

County council
may make
grants to
particular
schools.

(2) The council of a county may, by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the high schools in the county without making a similar provision for the other high schools therein. 2 Edw. VII., c. 42, s. 3; 3 Edw. VII., c. 33, s. 2.

Permanent
improvements.

40. All moneys which a municipal council is required by this Act to collect for permanent improvements shall be paid to the treasurer of the board on or before the 31st day of December of the year in which application was made by the board for such moneys; all moneys which a council is required to collect by assessment, or to raise by way of loan, or otherwise, for the maintenance of a high school shall be paid from time to time to the treasurer of the board as the board may require. 1 Edw. VII., c. 40, s. 39 (1).

For mainten-
ance.

Apportionment
of high school
grant in united
counties.

41. The council of united counties may apportion the amount to be levied for high school purposes so that each county shall be liable only for the maintenance of the high schools within such county, but in such case each of the counties shall pay for the maintenance of pupils residing therein who attend any high school situate in any other of the counties. 1 Edw. VII., c. 40, s. 38 (2).

HIGH SCHOOL FEES.

Fees of county
pupils.

42.—(1) County pupils shall pay such fees as the county council may prescribe, but such fees shall be uniform for all high schools in the county, or, in the case of united counties for each county in the union, and shall not exceed one dollar per month.

When scale of
fees to take
effect,
duration.

(2) The scale of fees shall take effect from the beginning of the high school term next after the adoption thereof, and shall continue in force for three years or for such term as may be agreed upon between the board and the county council.

County pupils
attending high
school in city
or town.

(3) County pupils admitted to a high school situate in a city or in a separated town, on the same terms as resident pupils, shall pay the same fees as are paid by resident pupils.

Non-resident
pupils.

(4) Non-resident pupils shall pay such fees as the board may prescribe, but such fees shall not be greater than the average cost per pupil of maintenance of the high school, nor less than the fees imposed by the council on county pupils.

Resident
pupils.

(5) Resident pupils shall pay such fees as the board may prescribe.

(6) The council of a municipality not included, or not wholly included, in a high school district may provide by assessment for the payment of any fees imposed by the county council on county pupils who reside in such municipality, or by the board on non-resident pupils who reside in such municipality; but in the case of a municipality not wholly included such assessment shall be confined to the part which is not included within the high school district. 1 Edw. VII., c. 40, s. 40. Council may pay fees.

(7) The fees payable under this section shall be payable to the treasurer of the board. Fees to be paid to treasurer.

43. County pupils shall have the right to attend any high school aided by the council of the county in which they or their parents or guardians reside. Resident pupils shall have the right to attend the high school of the district in which they or their parents or guardians reside. Non-resident pupils may attend any high school at the discretion of the Board. What school pupils may attend.

HIGH SCHOOL ENTRANCE EXAMINATIONS.

General.

44. Subject to the Regulations—

- (a) Candidates who pass the uniform entrance examination for high schools held by boards of examiners provided for in this Act shall be granted admission to the high schools; Who may be admitted to high schools.
- (b) Candidates who have completed the course prescribed for the fourth form of the public school or who have in the opinion of a board of examiners completed a course which gives them an equivalent standing may in the discretion of such board of examiners be by it admitted to the high schools without passing such entrance examination.

45. Subject to the Regulations, any person actually engaged in teaching who holds— Who may be examined at entrance examinations

- (a) A permanent High School certificate, or
 - (b) A permanent First Class certificate, or
 - (c) A Provincial Second Class certificate, and has had five years' experience as a teacher,
- may be appointed a presiding officer or a member of a board of examiners.

In the Counties.

46.—(1) (a) In a county in which one or more high schools have been established, one or more examination centres Centres to be established.

centres shall be established by the high school board from time to time in each district and in other parts of the county by the county council. The county clerk or the secretary of the board as the case may be shall give due notice to the public school inspector of the establishment of such centres, and the inspector shall attach each centre established by the county council to the centre or centres of one of the high school districts.

One board of examiners for each district.

(b) A high school district shall be under one board of examiners. The public school inspector of the inspectorate in which the high school is situate, and the high school principal or principals in the high school district shall be members of the board of examiners. The public school board and the board of separate school trustees, if any, of the city, town, or village in which the high school is situate, may each, on or before the first day of June in any year, appoint an additional member to the board. The county council may, also, at its meeting in June, in any year, appoint the principal of one continuation school, having a staff of at least two teachers, to be a member of the board of examiners of the high school district to the centre or centres of which his county centre is attached.

Examiners in counties not having a high school.

(2) (a) In a county in which no high school has been established, the county council, at its meeting in June, in each year, shall appoint a county board of examiners, consisting of the public school inspectors, with as many more members as may appear to be necessary, and preference shall be given to the principals of the continuation schools of the county.

County centres.

(b) The county council shall also establish such county centres as it may deem necessary, and the county clerk shall notify the public school inspectors of the establishment of such centres.

Additional examiners.

(3) Subject to the Regulations, every board of examiners shall in each year appoint such additional members as may be required.

Payment of examiners' fees.

(4) Subject to the Regulations, the expenses of the examination shall be paid, on the requisition of the chairman of the board of examiners, in the case of county centres, by the treasurer of the county, and in the case of the high school district centres, by the treasurer of the high school board.

Candidates' fees.

(5) The county council or the high school board, as the case may be, may impose a fee not exceeding \$1 upon each candidate at the county and the high school district centres, which shall be paid by the candidate as prescribed by the Regulations, and shall be paid over at or before the close of the written examination, to the treasurer of the county or of the board, as the case may be.

In

In the Territorial Districts.

47.—(1) (a) Where there are one or more high schools in a public school inspectorate in territory without county organization there shall be a board of examiners for each high school. The inspector for the inspectorate in which the high school is situate and the high school principal or principals in the high school district shall be members of the board. The public school board and the board of separate school trustees, if any, of the city, town, or village in which the high school is situate, may each, on or before the first day of June of any year, appoint an additional member. Subject to the Regulations, the board of examiners, in each year shall appoint such additional members as may be required, and preference shall be given to the principals of continuation schools in the inspectorate.

Examiners in territorial districts.

(b) One or more centres shall be established by the high school board in each high school district, and with the approval of the Minister, other centres may be selected and attached by the public school inspector to one of the high school district centres in his inspectorate.

(2) (a) In an inspectorate in which no high school has been established, there shall be a board of examiners, consisting of the public school inspector and as many more members as may appear to him to be necessary, appointed by the inspector, with the approval of the Minister, and preference shall be given to the principals of continuation schools in the inspectorate.

Where no high school has been established.

(b) In such inspectorates, the centres shall be selected by the inspector, with the approval of the Minister.

(3) Subject to the Regulations, the expenses of the examinations shall be paid by the Minister out of any money appropriated by legislation and applicable to that purpose.

Expenses : how borne.

HIGH SCHOOL TEACHERS.

48.—(1) No person shall be appointed principal of a high school unless he is a graduate in Arts of a University within the British Dominions, and furnishes satisfactory evidence to the Minister of his knowledge of the science and art of teaching, and of school organization and management.

Principals of high schools.

(2) No person shall be appointed assistant teacher in a high school who does not possess the qualifications prescribed by the Regulations.

Assistant teachers.

(3) Every teacher of a high school shall, in the organization, discipline, management and classification of the pupils be subject to the Regulations.

Teachers.

(4) The provisions of *The Public Schools Act* respecting superannuation shall apply to teachers of high schools.

Superannuation.

1 Edw. VII., c. 40, s. 42.

AGREEMENTS.

AGREEMENTS.

Salary for
teaching dur-
ing part of the
year.

49.—(1) A teacher who enters into an agreement with a board for one year and who serves under such agreement for three months or over, shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

Sickness.

(2) A teacher shall be entitled to his salary, notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment, if the sickness is certified to by a physician; but that period may be extended at the pleasure of the board.

Neglect of
duty.

(3) A high school inspector may, on the complaint of a board, suspend the certificate of a teacher who wilfully neglects or refuses to carry out his agreement with the board, but the teacher may appeal to the Minister, who may make such order with regard to the suspension as he may deem proper.

Disputes
between
teachers and
trustees.

(4) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the Division Court of the division in which the cause of action arose; subject to the same right of appeal as under *The Public Schools Act*. 1 Edw. VII., c. 40, s. 43.

9 Edw. VII.,
c. 89.

RETIRING ALLOWANCES.

Retiring al-
lowance to
teachers.

50. Where a teacher or an officer whose time is entirely devoted to the work of the board retires, having reached the age of 60 years, or after having been for 20 years in the service of the board, the board may grant him an annual allowance not exceeding the salary which he was receiving at the time of his retirement, or may make a grant to him by way of gratuity of such sum as will represent not more than the present value of such allowance for his life, computed on the basis of interest at the rate of four per cent. per annum. 1 Edw. VII., c. 40, s. 44.

TERMS.

Duration of
academic
year.

51.—(1) The school year shall consist of three terms; the first shall begin on the first Tuesday of September and end on the 22nd of December; the second shall begin on the 3rd of January and end on the Thursday before Easter Day; and the third shall begin on the second Monday after Easter Day, and end on the 29th of June.

(2)

(2) Every Saturday, every public holiday and every day proclaimed a holiday by the council of the municipality in which the school is situate shall be a school holiday. 1 Edw. VII., c. 40, s. 45. School holidays.

AUTHORIZED BOOKS.

52.—(1) A teacher shall not use or permit to be used as a text-book in a high school any book except such as is authorized by the Regulations, and the Minister, upon the report of the inspector, may withhold the whole or any part of the legislative grant in respect of any high school in which any unauthorized book is so used. Text-books.

(2) Subject to the Regulations, an authorized text-book in actual use in a high school may, with the written approval of the board, be changed by the teacher for any other authorized text-book on the same subject. 1 Edw. VII., c. 40, s. 50. Change of text-books.

PENALTIES AND PROHIBITIONS.

53. A high school trustee shall not enter into any contract, agreement, engagement or promise of any kind, either in his own name, or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit, or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment, or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the municipality, or the appointing body of the vacancy. 1 Edw. VII., c. 40, s. 46. Trustees contracting with board.

54. No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which an advertisement is inserted by the board in the regular course of business, or which is subscribed for by the board, if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. 1 Edw. VII., c. 40, s. 47. Newspaper proprietors inserting official advertisements not disqualified from sitting on boards, etc.

55. If a trustee is convicted of an indictable offence, or becomes insane, or without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be When seat on board may be declared vacant.

be a resident within the county or municipality by the council or school board of which he was appointed he shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the council of the county or municipality or other appointing body of the vacancy. 1 Edw. VII., c. 40, s. 48.

Disturbing
schools.

56. Any person who wilfully interrupts or disquiets any high school by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to interfere with the order or exercises of the school shall, for each offence incur a penalty not exceeding \$20. 1 Edw. VII., c. 40, s. 49.

Substitution
of unauthorized
text-books.

57. If a teacher negligently or wilfully permits an unauthorized book to be used as a text book by the pupils of his school, the Minister, on the report of the inspector may suspend such teacher and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of such use or any less sum at its discretion.

Disqualified
persons acting
as trustees.

58.—(1) A trustee who sits or votes at any meeting of the board while disqualified under this Act, shall incur a penalty of \$20 for every meeting at which he so sits or votes.

Penalty for
refusal to
perform duties.

(2) Every person appointed as trustee who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall incur a penalty not exceeding \$20.

Trustees and
teachers not to
hold certain
offices.

59. A trustee shall not be eligible for appointment as a high school teacher; nor shall the teacher of a high, public, or separate school hold the office of high school trustee.

Liability for
neglect to
take security.

60. If a Board refuses or neglects to take proper security from the Treasurer or other person to whom they entrust school moneys and any school moneys are forfeited or lost to the board in consequence of such refusal or neglect, every member of the board shall be personally liable for such moneys, and the same may be recovered by the board or any ratepayer or ratepayers interested therein suing on behalf of himself or themselves and all ratepayers of the high school district interested in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. (*See Consolidated Municipal Act, 1903, s. 418 (5).*)

Trustee may
not be secretary,
treasurer, or bonds-
man.

61. A trustee shall not be appointed secretary, treasurer, or secretary-treasurer of the board or be bondsman or surety for the treasurer or secretary-treasurer or for any person entrusted with school moneys.

62.—(1) A treasurer, secretary or secretary-treasurer, or a person having been such treasurer, secretary, or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel, or money, which came into his possession as such treasurer, secretary, secretary-treasurer, or trustee or otherwise, shall not wrongfully withhold, or neglect, or refuse to deliver up, or account for, and pay over the same to the person, and in the manner, directed by the board, or by other competent authority.

Penalty on secretary-treasurer or trustee for refusing to account.

(2) Upon application to the Judge, by the board, supported by affidavit, showing such wrongful withholding or refusal, the Judge may summon such treasurer, secretary, secretary-treasurer, trustee, or person, to appear before him at a time and place appointed by him.

Mode of proceeding.

(3) A bailiff of a Division Court upon being required so to do by the Judge shall serve the summons, or a true copy thereof, on the person complained against, personally, or by leaving the same with a grown-up person at his residence.

Service of summons.

(4) At the time and place so appointed, the Judge if satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded, may order the person complained against to deliver up, account for, and pay over such book, paper, chattel, or money, by a day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may allow.

Judge to issue order.

(5) In the event of non-compliance with the order, the Judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county or district in which he resides, there to remain without bail until the Judge is satisfied that he has delivered up, accounted for, or paid over the book, paper, chattel, or money, in the manner directed by the board, or other competent authority.

Effects of non-compliance with judge's order.

(6) Upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly.

Discharge on complying with order.

(7) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel, or money, as directed, the Judge may order his discharge on such terms or conditions as he may deem just.

Discharge on terms.

(8) Such proceedings shall not impair or affect any other remedy which the board, or other competent authority, may have against the person complained against or against any other person.

Other remedy not affected.

Penalties on trustees refusing information, etc., to auditor.

63. It shall be the duty of a board and of the treasurer, secretary, or secretary-treasurer, to furnish the auditors with any papers and information in their power, which may be required of them relative to the school accounts, and any member of the board and a treasurer, secretary or secretary-treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20.

Penalty for false school reports and registers.

64. If a trustee knowingly signs a false report, or if a teacher keeps a false school register, or makes a false return, such trustee or teacher shall, for every offence incur a penalty not exceeding \$20.

N.B.—A *Trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and anyone employing or paying him to act as agent or otherwise, are liable to the penalties imposed by The Department of Education Act. See 9 Edw. VII. c. 88, s. 28.*

HOW FINES AND PENALTIES MAY BE RECOVERED.

How penalties under this Act shall be recoverable.

65.—(1) The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*.

Who may prosecute.

(2) Any ratepayer, trustee, or high school teacher may take proceedings to recover any such penalty.

Payment and application of penalties.

(3) Unless otherwise provided, all such penalties shall be payable to the treasurer of the board of the high school district in which the offence was committed, and shall be applied to high school purposes; except when the penalty is imposed upon a treasurer, secretary, or secretary-treasurer, in which case the same shall be payable to the chairman of the board, and shall be applied to high school purposes.

1 Edw. VII., c. 40 and amendments repealed.

66. *The High Schools Act (1901)* and all amendments thereto are repealed.

9 EDWARD VII., CHAPTER 94.

An Act respecting Boards of Education.

Assented to 13th April, 1909.

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

MUNICIPAL BOARDS OF EDUCATION, ss. 3-10.

INSPECTORS, ss. 11, 12.

UNION BOARDS OF EDUCATION, ss. 13-16.

GENERAL PROVISIONS, ss. 17-22.

ACT TO BE READ WITH CERTAIN OTHER ACTS, s. 23.

REPEAL, s. 24.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Boards of Education* Short title. Act."

2. In this Act—

Interpretation.

- (a) "High School" shall include a Collegiate Institute; "High School."
- (b) "High school district" and "district" shall mean the territory over which a High School Board has jurisdiction; "High School District."
- (c) "Municipal Board" and "Municipal Board of Education" shall mean a board of education organized pursuant to a resolution passed by the council of any city, town, or village under the provisions of this Act or of the Act passed in the third year of His Majesty's reign, chaptered 31, or of the Act passed in the fourth year of His Majesty's reign, chaptered 33; "Municipal Board" or "Municipal Board of Education."
- (d) "Secretary" and "Treasurer" shall include a secretary-treasurer; "Secretary" or "Treasurer."
- (e) "Union Board" and "Union Board of Education" shall mean a board of education formed by the union of a high school board with one or more public school boards, pursuant to resolutions passed by the respective boards forming such union under the provisions of this Act or *The Public Schools Act* or *The High Schools Act* in force at the time such union was formed. "Union Board" or "Union Board of Education."

MUNICIPAL

MUNICIPAL BOARDS OF EDUCATION.

Boards of
Education
formed under
3 Edw. VII.,
c. 31, and 4
Edw. VII.,
c. 33, con-
tinued.

3. Every board of education heretofore organized under the authority of the Act passed in the third year of His Majesty's reign, chaptered 31, or of the Act passed in the fourth year of His Majesty's reign, chaptered 33, is hereby continued, and shall continue to possess all the property, powers, and rights, and perform all the duties and be subject to all the obligations which it possessed, performed and was subject to at the time of the passing of this Act, and shall hereafter be subject to the provisions thereof relating to municipal boards.

Resolution
to form
Municipal
Board of
Education.

4.—(1) When a high school district does not extend beyond the limits of the municipality, the council of a city, town or village in which one or more high schools are situate may, on or before the first day of October in any year, at a meeting specially called for the purpose, declare by resolution that it is expedient to form a municipal board of education under this Act. 4 Edw. VII., c. 33, s. 1.

May be passed
although union
board exists.

(2) Such resolution may be passed notwithstanding that a union board of education already exists in the municipality.

Organization
of Municipal
Boards of
Education.

(3) Upon the passing of the resolution a municipal board of education shall be organized in the municipality in accordance with the provisions of this Act, and when organized shall possess all the power and rights and perform all the duties theretofore possessed or performed by the boards which had theretofore exercised jurisdiction over the public and high schools and the technical schools situate within the municipality.

Powers,
rights and
duties of.

(4) Upon the organization of the board all the property theretofore vested in such previous boards shall become vested in the municipal board, and all the debts, contracts and agreements for which the previous boards were liable shall become obligations of the municipal board. 4 Edw. VII., c. 33, s. 1. (2).

Composition
of Municipal
Boards.

5.—(1) Except as hereinafter provided every municipal board shall be composed as follows:—

(a) In a city having 50,000 inhabitants or more, of fourteen members, twelve of whom shall be elected as hereinafter provided, and two of whom shall be appointed by the separate school board of the city;

(b) In a city having less than 50,000 inhabitants, of ten members, nine of whom shall be elected as hereinafter provided, and one appointed by the separate school board of the city;

(c)

- (c) In a town or village, of eight members, seven of whom shall be elected as hereinafter provided and one appointed by the separate school board of such town or village;
- (d) Subject to the provisions of clause (e) where there is no separate school board, the board shall be composed of the elected members only;
- (e) In the case of a municipal board having jurisdiction over a high school situate in a municipality not separated from the county, the council of such county at their first meeting in the year following the passing of the resolution mentioned in section 4 shall appoint three additional members of the board, one for one year, one for two years, and one for three years, and thereafter shall appoint a member to fill each vacancy as it occurs.
- (2) A Board shall not be deemed incomplete by reason only of the failure of an appointing body to appoint the member or members which it has the right to appoint.
- (3) The members to be elected shall be elected by the general vote of the persons qualified to vote for public school trustees, and the election shall be held at the same time and place, by the same returning officer and in the same manner as the election of a mayor or reeve; and, save as otherwise provided, all the provisions of *The Public Schools Act* respecting the qualification of trustees and the election of trustees by ballot shall apply to the election.
- (4) The first election shall take place at the time of holding the municipal elections for the year following the passing of the resolution mentioned in section 4; but nothing in this Act shall affect any board having jurisdiction over any public school, high school, or technical school, during the year in which such resolution is passed.
- (5) Every person qualified to vote shall be entitled to as many votes as there are members to be elected, but may not give more than one vote to any one candidate.
- (6) At the first election the full number of elective members shall be elected.
- (7) One-half of the members so elected where the number of elected members is an even number, and the next number higher than one-half where the number of elected members is an odd number, who receive the highest number of votes shall continue in office for two years thereafter and until their successors are elected and the new board is organized, and the remaining members shall continue

Appointment by county councils to boards in towns not separated from county.

Board not to be incomplete by reason of failure to appoint.

Mode of election.

9 Edw. VII., c. 89.

First election of members of board.

Number of votes for candidates.

First election after organization.

Term of office of first members.

in office for one year and until their successors are elected and the new board is organized.

Retirement where members have equal votes.

(8) Where two or more members receive an equal number of votes at the first election, and no agreement as to which of them shall retire is reached at the first meeting of such board, then at the next meeting the question shall be determined by lot to be cast by the secretary in presence of the board, and the result shall be entered upon the minutes of the meeting. 3 Edw. VII., c. 31, s. 3; 4 Edw. VII., c. 33, s. 8.

Subsequent elections.

(9) At each annual election after the first a sufficient number of members shall be elected for two years to fill the place of members retiring.

Retiring members eligible for re-election.

(10) The members retiring at the expiration of the terms for which they were respectively elected or appointed shall be eligible for re-election or re-appointment, if otherwise qualified. 3 Edw. VII., c. 31, s. 2; 4 Edw. VII., c. 33, s. 2.

Appointment by separate school board.

(11) The appointment of a member or members by the separate school board shall be made at the first meeting thereof in the year in which the first election of the municipal board is held and at its first meeting in every second year thereafter.

Term of office.

(12) Any member so appointed shall hold office for two years and until his successor is appointed. 4 Edw. VII., c. 33, s. 5.

Members of appointing body not eligible.

(13) No member of a body having the right to appoint a member of a municipal board of education shall be eligible for appointment or election as a member of the board.

Election of members by wards in cities of 200,000. Submission of question.

3 Edw. VII., c. 19.

6.—(1) The council of any city having a population of 200,000 or over may at any time before the first day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of electing the Board of Education by wards?" The provisions of section 533 of *The Consolidated Municipal Act, 1903*, shall with such variations as may be necessary apply to the taking of such vote.

How Board to be constituted if question answered in affirmative.

(2) In case the said question is answered in the affirmative by a majority of the persons qualified to vote thereon, the clerk of the city shall notify the secretary of the board of education in writing of the result of the voting and all the members of the board of education shall cease to hold office on the 31st day of December of the same year and thereafter the board shall consist of two members to be elected in each ward of such city, and two members who shall be appointed by the Separate School Board.

(3) At the first election held after the said question shall First election.
have been so answered in the affirmative the requisite number of members shall be elected. In each ward the two candidates receiving the highest number of votes shall be elected and as between themselves the candidate having the larger number of votes shall continue in office for two years, and the other for one year, and until their respective successors have been elected under this Act, and the new board organized.

(4) At each annual election after the first the term of Term of office.
office of each elected member shall be two years.

(5) All the provisions of *The Public Schools Act* respecting the qualification and election of trustees shall apply to the election of such members. Application of general provisions as to qualification and election of P.S. Trustees.

(6) Save as in this section otherwise provided the provisions of this Act shall apply to a board of education organized under this section. Application of general provisions.

7. Where the office of an elected member becomes vacant from any cause before the expiration of the term for which he was elected, the remaining members of the board shall, at the first meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy, and the person so elected shall hold office for the remainder of the term for which his predecessor was elected. 3 Edw. VII., c. 31, s. 4; 4 Edw. VII., c. 33, s. 4. Vacancies in cases of elected members.

8.—(1) Where the office of an appointed member becomes vacant from any cause before the expiration of the term for which he was appointed, the vacancy shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the remainder of the term for which his predecessor was appointed. 4 Edw. VII., c. 33, s. 7. Vacancies in cases of appointed members.

(2) When an appointing body fails to appoint a member at the prescribed time, the appointment may be made subsequently, but the term of office of the person appointed shall expire as if he had been appointed at the time prescribed. Failure to appoint at prescribed time.

9. The first meeting of every municipal board in each year shall be held at the hour of eight o'clock in the evening of the Thursday after the first Monday of January. 4 Edw. VII., c. 33, s. 8, *part*. First meeting each year.

10. Every municipal board shall be a corporation by the name of "The Board of Education for the" (naming the city, town or village) and shall have and possess all the powers Board to be a corporation.

powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board, a high school board, or a technical school board. 4 Edw. VII., c. 33, s. 16 (1).

INSPECTORS.

Appointment of inspectors. 11.—(1) The municipal board of a city and of a town separated from the county shall, subject to the provisions hereinafter contained, appoint an inspector of the public schools for the city or town. 4 Edw. VII., c. 33, s. 17.

Where more than one inspector to be appointed. (2) When the public school teachers in charge of separate departments engaged by a municipal board in a city exceed three hundred in number the board shall appoint two inspectors and an additional inspector for every three hundred above six hundred. 3 Edw. VII., c. 31, s. 17.

Division into territorial districts, where more than one inspector. Or chief inspector may be appointed. (3) Where more inspectors than one are appointed the board may designate one of such inspectors "chief inspector" and the other or each of the others "inspector," and shall prescribe the duties of each. 3 Edw. VII., c. 31, s. 18.

Union board to be dissolved on organization of municipal board. 12. Where a municipal board is organized under this Act in a municipality, any union board of education then existing therein shall thereby be dissolved.

UNION BOARDS OF EDUCATION.

Union Boards of Education. 13.—(1) A high school board of a municipality in which a municipal board has not been organized and the board of public school trustees of the same municipality may unite as a union board of education, on filing with the clerk of the municipality in which the high school is situate certified copies of resolutions providing for such union passed at separate meetings of each of the boards called for the purpose of considering such union.

Powers, rights and duties of former school boards. (2) The union shall take effect on the next date following the passing of such resolutions fixed under this Act for the first meeting in each year of a union board, and upon the formation of such union board all property theretofore vested in the boards so uniting shall become vested in such union board, and all debts, contracts agreements and obligations of the boards so uniting, shall become debts, contracts, agreements and obligations of the union board. 1 Edw. VII., c. 40, s. 4 (1)

Former trustees to continue in office. (3) The members of the high school and public school boards forming the union who are then in office shall continue

continue in office until the expiration of the terms for which they were respectively appointed or elected, and shall be the members of the union board, and the trustees for such public and high schools shall continue to be appointed and elected as if the union had not been formed, and when so appointed or elected shall be the members of the union board.

New trustees to be elected and appointed pursuant to public and high schools Acts.

14. Every union board shall be a corporation by the name of "The Board of Education for" (naming the municipality in which the high school is situate), and such corporation shall have all the powers, perform all the duties and be subject to all the obligations of high school and public school boards. 1 Edw. VII., c. 40, s. 4 (3).

To be a corporation.

15.—(1) If at a meeting of a union board specially called for that purpose a majority of all the members of the board vote in favour of the dissolution thereof, the board shall be dissolved on the next date, following such vote, fixed by this Act for holding the first meeting of union boards.

Dissolution of Union boards

(2) Where a board is dissolved the members thereof who are high school trustees shall constitute the high school board, and shall continue in office for the remainder of the terms for which they were respectively appointed, and the members thereof who are public school trustees shall constitute the public school board and shall continue in office for the remainder of the terms for which they were respectively elected. 1 Edw. VII., c. 40, s. 5.

On dissolution the different boards to continue separately.

(3) Upon the dissolution all property held or possessed by the union board for high school purposes shall forthwith vest in the high school board, and all property held or possessed by the union board for public school purposes shall forthwith vest in the public school board, and all property held or possessed by the union board at the time of its dissolution partly for high school and partly for public school purposes shall be divided as may be agreed upon by such high school and public school boards at a meeting called for that purpose.

Division of property on dissolution.

(4) If no division is made within six months after the dissolution, the division shall be made forthwith by the council of the local municipality in which the high school is situate. 1 Edw. VII., c. 40, s. 5.

When council to make division.

16. The first meeting of every union board in each year shall be held at the hour of eight o'clock in the evening of the first Wednesday in February. See 1 Edw. VII., c. 40, s. 15 (1).

First meeting each year.

GENERAL PROVISIONS.

Municipal
board and
union.

17.—(1) The first meeting of every municipal and union board after its organization or formation shall be held in the room, if any, provided for the board in the municipal building, and, if no room is provided, at the usual place of meeting of the former public school board, and the first meeting in subsequent years shall be held at such place as the board shall determine. 4 Edw. VII., c. 33, s. 8, *part*.

Election of
Chairman of
Board of
Education.

(2) At the first meeting in each year of every new municipal board and union board, and whenever the office of chairman becomes vacant, then at the first meeting of the board after the vacancy occurs, the members shall elect one of their number to be chairman of the board.

Casting vote.

(3) In case of an equality of votes the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

Vice-Chair-
man.

(4) The members of the board may also elect one of their number to be vice-chairman, and he shall preside in the absence of the chairman.

Temporary
chairman.

(5) If at any meeting neither the chairman or vice chairman is present, the members present may elect a chairman for that meeting.

Secretary-Trea-
surer.

(6) At the first meeting after the organization or formation of the board, and so often as a vacancy occurs, the board shall also elect a secretary and a treasurer or a secretary-treasurer, who shall hold office during the pleasure of the board.

Who to preside
during election
of chairman.

(7) At any meeting of a board at which a chairman is to be elected the secretary, if present, shall preside until the chairman is elected, and if the secretary is not present the members present may elect one of their number for that purpose.

Acting secre-
tary provided
for.

(8) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting. 4 Edw. VII., c. 33, ss. 9, 11.

Quorum.

18. The presence of a majority of all the members constituting a board shall be necessary to form a quorum. 3 Edw. VII., c. 33, s. 10; 1 Edw. VII., c. 40, s. 15.

Chairman may
vote.

19. The chairman or vice-chairman or member presiding, may vote with the other members on all questions, and, subject to the provisions hereinbefore contained as to a second or casting vote where there is an equality of votes at an election of chairman, any question on which there is an equality

equality of votes shall be deemed to be negatived except in case of an equality of votes for the election of a secretary or a treasurer, or secretary-treasurer, when the chairman or other presiding officer shall have a second or casting vote. 4 Edw. VII., c. 33, s. 11; 1 Edw. VII., c. 40, s. 15.

Certain questions negatived when there is an equality of votes.

20. The provisions of *The Public Schools Act* and of *The High Schools Act* respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of public school boards and high school boards respectively, and respecting members resigning or vacating their offices, shall apply to all boards. 4 Edw. VII., c. 33, s. 15.

Disqualification.

21.—(1) Every board of education having jurisdiction over more than one high school with the approval of the Minister of Education may,—

Special and advanced courses of study in high schools.

(a) Make such modification of the prescribed high school courses of study for the high schools under its jurisdiction as it deems expedient;

(b) Provide for special or advanced instruction in any of such courses, and

(c) Designate such schools, or any of them, English, Commercial, Technical, or Classical High Schools, according to the course or courses of instruction provided therefor.

(2) The accommodations and equipment of the school and the qualifications of the staff shall be subject to the regulations made under the authority of *The Department of Education Act*. 4 Edw. VII., c. 33, s. 18.

Application of regulations.
3 Edw. VII., c. 33.

22. A member of a board appointed by a county council or who is a separate school supporter shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools. 4 Edw. VII., c. 33, s. 13.

Representative of county council or separate school supporter not to vote on public school matters.

23. The provisions of *The Public Schools Act* and of *The High Schools Act* and of *The Act respecting Technical Schools* and of all amendments thereto, which are not inconsistent with this Act, shall be read as part of this Act, and so far as such provisions are inconsistent with the provisions of this Act, they shall not apply to municipal boards or union boards. 3 Edw. VII., c. 31, s. 20; 4 Edw. VII., c. 33, s. 19.

This Act to be read with certain other Acts.

24. The Act passed in the third year of His Majesty's reign, chaptered 31, and the Act passed in the fourth year of His Majesty's reign, chaptered 33, and all amendments thereto, are repealed.

3 Edw. VII., c. 31.
4 Edw. VII., c. 33, repealed.

9 EDWARD VII., CHAPTER 93.

An Act respecting the Acquisition of Land for
School Purposes.

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

POWERS AND DUTIES TO BE SUB-
JECT TO REGULATIONS OF
DEPARTMENT OF EDUCATION,
s. 3.Restrictions as to townships,
s. 4.Board may purchase or ex-
propriate, s. 5.Who may sell and convey,
s. 6.Voluntary submission to ar-
bitration, s. 7.Compulsory arbitration, ss. 8-
20.Application of Arbitration
Act, s. 21.*Assented to 13th April, 1909.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Short title.

1. This Act may be cited as "*The School Sites Act.*"
(*New.*)

Interpretation.

2. In this Act

Board.

(a) "Board" shall mean and include the Board of
Trustees of a Public School section, the Board
of Trustees of a Union School section, a Town-
ship Board of School Trustees, the Board of
Public School Trustees of a city, town or village,
a Continuation School Board, a Board of Edu-
cation, a High School Board and a Technical
School Board.

"County
Judge."

"Judge."

(b) "County Judge" and "Judge" shall mean the Sen-
ior Judge of the County or District Court of the
County or District within which the Board has
jurisdiction or, if he is a member of the High
School Board or is unable to act, or is disquali-
fied, shall mean the Junior Judge of such County
or

or District Court, and, if the Junior Judge is also a member of the Board or is unable to act, or is disqualified, shall mean the Judge of the County or District Court of the adjoining County or District which has the largest population according to the last Dominion Census.

(c) "Owner" shall include a mortgagee, lessee, tenant and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested. (*New.*) "Owner."

(d) "School site" shall mean the land necessary for a school house, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices and play grounds connected therewith, or other land required for school purposes, or for the offices of a Board. School site

3. The powers and duties conferred and imposed upon a Board by this Act shall be subject to the Regulations made under *The Department of Education Act.* (*New.*) Powers and duties to be subject to regulations.

4.—(1) In a township a school site shall not be selected nor shall an existing school site be enlarged so as to include land which comprises or forms part of or is situate within one hundred yards of an orchard, garden, pleasure-ground or dwelling-house without the consent of the owner of such orchard, garden, pleasure ground or dwelling house unless the County Judge, upon the application of the Board and after notice to all persons interested, certifies in writing that other land suitable for the required purpose cannot be obtained. Restrictions as to townships.

(2) Where the Judge so certifies the Board shall pay to the owner of the orchard, garden, pleasure ground or dwelling house such sum as the Judge, on the application of the owner, shall determine to be fair compensation for having the school site located within such distance, and the costs of the application shall be in the discretion of the Judge. (*See* 8 Edw. VII., c. 33, s. 53; 1 Edw. VII., c. 39, s. 37, (2), s. 38; 6 Edw. VII., c. 53, s. 28.) Compensation to owner of orchard, etc.

(3) This section shall not apply to that part of a township which lies within two miles from the limits of a city having a population of over 100,000. Application of section limited.

5. Subject to the provisions of section 4 and to the provisions of *The Public Schools Act* as to the selection of a site by the Board of a rural school section, every Board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the Board declaring that the Board may purchase or expropriate.

the same is required for a school site or for the enlargement of a school site.

Who may sell
and convey
to Board.

6.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator, and every trustee, (not only for and on behalf of himself, his heirs and successors, but also for and on behalf of those, he or they may represent, whether married women, infants, unborn issue, lunatics, or idiots), or other person, seized, possessed of or interested in any land, may contract for, sell and convey all or part thereof or any interest therein to a Board for a school site or for an enlargement of, or addition to a school site; and any contract, agreement, sale, conveyance or assurance so made shall be valid and effectual to all intents and purposes. (See 1 Edw. VII., c. 40, s. 25.)

Where there is
no person who
can convey.

(2) Where there is no person who under the provisions of subsection 1 of this section may contract, sell or convey, the High Court may on the application of the Board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 of this section and in any proceedings which may be taken under this Act.

Voluntary
submission to
arbitration.

7. Where the owner and the Board are unable to agree on the compensation to be paid to the owner they may in writing agree that the same shall be determined by one or more arbitrators, and the provisions of *The Arbitration Act* shall apply to the submission and to the arbitration and award thereunder. (*New*.)

Where owner
refuses to
sell or agree
to arbitration.

8. Where the owner refuses to sell or demands a price deemed unreasonable by the Board, or where no agreement is made for arbitration under the next preceding section, the Board may appoint an arbitrator and give notice in writing of such appointment to the owner, and if the owner does not within ten days thereafter file with the Secretary or Secretary-Treasurer of the Board a notice in writing naming an arbitrator to act for him, the County Judge on the application of the Board shall name an arbitrator on behalf of the owner, and the arbitrators so appointed shall appoint a third arbitrator, or, if they are unable to agree, the County Judge, on the application of either party, may appoint such third arbitrator.

Judge may
order notice to
be published
and mailed.

9.—(1) On filing with the County Judge the certificate of an Ontario Land Surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the Judge, if satisfied by affidavit or other evidence, that diligent enquiry has been made

made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district, and may order that notice be also sent to any person by mail or served upon him in such manner as the Judge may direct.

(2) The notice shall contain a short description of the land and a statement of the readiness of the Board to pay the sum so certified, shall give the name of the person to be appointed as the arbitrator of the Board, and shall state the time within which the offer is to be accepted or an arbitrator appointed by the owner, and such other particulars as the Judge may direct. Contents of notice.

(3) If within the time stated in the notice the owner does not notify the Board of his acceptance of the sum offered or appoint an arbitrator, the Judge may on the application of the Board appoint some competent person to be the sole arbitrator. Appointment of sole arbitrator. (*See* 1 Edw. VII., c. 40, ss. 26-28.)

(4) An Ontario Land Surveyor who has given the certificate shall not be named as or appointed an arbitrator. Surveyor giving certificate not to act.

10. The arbitrators appointed under this Act or a majority of them or the sole arbitrator may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect to the land, provided that in such case the claimant or other person has first received ten clear days' notice of the intention to determine his claim or right. 1 Edw. VII., c. 39, s. 35 (4). Arbitrators may determine claims of encumbrancer, etc.

11. Where part only of the lot or parcel of land of the owner is required the arbitrators shall include in the compensation the amount which will in their opinion compensate the owner for any damage directly resulting from severance. Damages caused by severance. (*New.*)

12.—(1) A notice of intention to acquire land may be desisted from by the Board at any time within 21 days after the publication of the award by giving written notice to the arbitrators, and the Board in that case shall pay the whole costs of the arbitration. Desistment.

(2) The right of desistment shall not be exercised more than once. Right not to be exercised more than once. (*See* 7 Edw. VII., c. 51, s. 16.)

13. The costs of the arbitration and award shall be in the discretion of the arbitrators, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and they may award any costs to be paid as between Costs of arbitration.

between solicitor and client. 6 Edw. VII., c. 53, s. 38 (16).

Time within
which award
to be made.

14. The arbitrators shall make their award within three months after entering on the reference or after being called on to act by notice in writing from the Board or the owner or any other person interested, or on or before any later day to which the arbitrators or a majority of them by writing signed by them may from time to time enlarge the time for making the award. 6 Edw. VII., c. 53, s. 38 (12).

Form of award.

15. The award shall be in writing and if required by the Board, shall be in duplicate, and shall contain a description of the land, sufficient for the purpose of registration, and may be registered in the proper registry office on the affidavit of the Secretary of the Board verifying the same and showing that all moneys awarded by the arbitrators to be paid by the Board have been duly paid as required or permitted by this Act. 6 Edw. VII., c. 53, s. 38 (15), *part.*

Registration.

Award to be
title.

16. Upon such registration the land shall be vested in the Board, and the award shall be a good title thereto against all persons whomsoever. 6 Edw. VII., c. 53, s. 38 (15), *part.*

Compensation
to be paid
within thirty
days.

17.—(1) Every sum awarded to be paid as compensation shall be paid within thirty days after the publication of the award. (*New.*)

Payment into
court.

(2) Where the person entitled thereto is absent or where, for any other reason, payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in doubt, or if for any other reason the Board deems it advisable, the Board may pay the sum awarded or any part thereof into the High Court with six months' interest thereon. (*See* 6 Edw. VII., c. 53, s. 38 (13), *part.*)

Compensation
awarded to
stand in the
stead of land
stakes.

18. The compensation for any land which is taken without the consent of the owner shall stand in the stead of the land; and any claim to or incumbrance upon such land, or any part thereof, shall, as against the Board, be converted into a claim to the compensation, or to a like proportion thereof and it shall be responsible accordingly whenever it has paid the compensation, or any part thereof, to a person not entitled to receive the same, saving always its recourse against such person. (*See* 1 Edw. VII., c. 40, s. 29.)

19. An award shall not be deemed invalid or be set aside because of failure to comply with any of the provisions of this Act, unless in the opinion of the tribunal before which the award is called in question the same will cause substantial injustice to some person affected thereby. (*See* 6 Edw. VII., c. 53, s. 29, *part.*) Award not invalidated by informality.

20.—(1) Any question touching the validity of proceedings taken, or an award made under this Act, or, in the case of arbitrations other than those provided for in section 7, as to the compensation awarded, shall be raised, heard and determined upon a summary application by way of appeal to the County Judge and not otherwise. Questions as to validity of proceedings, how to be determined

(2) No such appeal shall lie unless one of the parties has required the evidence to be taken down in writing in which case it shall be the duty of the arbitrators so to do. Appeal not to lie unless evidence taken down.

(3) The decision of the Judge shall be final, unless special leave to appeal therefrom is given by a Judge of the High Court, and if such leave is given, an appeal shall lie to a Divisional Court of the High Court and the decision of the Divisional Court shall be final. (*See* 6 Edw. VII., c. 53, s. 29, *part.*) Appeal to High Court.

21. Except as herein otherwise provided, the provisions of *The Arbitration Act* as to procedure upon a reference to arbitration, including the summoning and calling of witnesses, the hearing of evidence and the production of books, papers, documents and things, and the powers and duties of arbitrators, shall apply to every arbitration under the provisions of this Act. (*New.*) Application of Arbitration Act.

9 EDWARD VII., CHAPTER 92.

An Act respecting Truancy and Compulsory School Attendance.

Assented to 13th April, 1909.

SHORT TITLE, s. 1.	TRUANT OFFICERS,—
INTERPRETATION, s. 2.	Appointment, s. 7.
CHILDREN FROM 8 TO 14 TO AT-	Duties, s. 8.
TEND SCHOOL, s. 3.	CONVICTION AND PENALTY FOR
DUTY OF PERSONS WITH WHOM	VIOLATION OF ACT, ss. 9-12.
CHILDREN RESIDE, s. 4.	PENALTY FOR NEGLECTING TO EN-
EXEMPTIONS FROM PENALTIES,	FORCE ACT, ss. 13-15.
s. 5.	ONUS OF PROOF OF AGE, s. 16.
EMPLOYMENT OF CHILDREN DUR-	EXEMPTIONS IN RESPECT OF RE-
ING SCHOOL HOURS PROHIB-	LIGION, s. 17.
ITED, s. 6 (1)	REPEAL, s. 18.
When J. P. or principal may	
allow, s. 6 (2).	

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title. 1. This Act may be cited as "*The Truancy Act.*"
- Interpretation. 2. In this Act—
- "Inspector." (a) "Inspector" shall mean an inspector of public or separate schools;
- "Principal." (b) "Principal" shall mean the head teacher of a public, separate or private school. R.S.O. 1897, c. 296, s. 1.
- "Regulations." (c) "Regulations" shall mean regulations made under the authority of *The Department of Education Act*;
- "School" (d) "School" shall mean a public or a separate school or a private school at which instruction is given regularly in reading, spelling, writing, grammar, geography and arithmetic.
- Children from 8 to 14 to attend school. 3. Every child between eight and fourteen years of age shall attend school for the full term during which the school of the section or municipality in which he resides is open each year, unless excused for the reasons hereinafter mentioned. R.S.O. 1897, c. 296, s. 2.
- Duty of persons with whom children reside. 4. A person who has received into his house another person's child under the age of fourteen, who is resident with him or is in his care or legal custody, shall be subject to the same duty with respect to the instruction of such child during such residence as a parent, and shall be liable to be proceeded against as in the case of a parent, if he fails to cause such child to be instructed as required by

by this Act; but the duty of the parent under this Act shall not be thereby affected or diminished. R.S.O. 1897, c. 296, s. 3.

5. A parent, guardian or other person shall not be liable to any penalty imposed by this Act in respect of a child if—

Exemptions from penalties.

- (a) The child is under efficient instruction at home or elsewhere;
- (b) The child is unable to attend school by reason of sickness or other unavoidable cause;
- (c) There is no public or separate school which the child has the right to attend within two miles, measured by the nearest highway from such child's residence, if he is under ten years of age, or within three miles if he is over that age;
- (d) There is not sufficient accommodation in the school which the child has the right to attend;
- (e) The child has been excused, as hereinafter provided, by a Justice of the Peace, or by the principal of the school which the child is entitled to attend; or
- (f) The child has passed the entrance examination for high schools prescribed by the Regulations; or has completed the course prescribed for the 4th form of the Public schools or a course which gives him an equivalent standing. R.S.O. 1897, c. 296, s. 4.

6.—(1) No child under the age of fourteen years who has not a valid excuse under this Act, shall be employed by any person during school hours, while the public school of the section or municipality in which the child resides is in session, and any person who employs a child in contravention of this section, shall incur a penalty not exceeding twenty dollars for each offence.

Employment of children during school hours prohibited.

Penalty.

(2) Where in the opinion of a Justice of the Peace or of the principal of the school attended by any child the services of such child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, such Justice or principal may, by certificate setting forth the reasons therefor, relieve such child from attending school for any period not exceeding six weeks during each public school term. R.S.O. 1897, c. 296, s. 5.

When Justice of the Peace or principal may relieve child from attendance.

7.—(1) The police commissioners and, where there are no police commissioners, the Municipal Council of every city, town and village, shall appoint, control and pay one

Appointment and regulation of truant officers.

or

or more truant officers for the enforcement of this Act and notice of such appointment shall be forthwith given to the school boards of the Municipality.

Truant officer
to have powers
of peace officer.

(2) A truant officer shall, for the purposes of this Act, be vested with the powers of a peace officer, and shall have authority to enter factories, workshops, stores, shops and all other places where children may be employed or congregated, and shall perform such services as may be necessary for the enforcement of this Act.

Appointments
in townships.

(3) The council of a township may annually appoint one or more truant officers who shall have the same powers and perform the same duties as a truant officer in a city, town, or village.

Township clerk
to notify
boards.

(4) The clerk of the council shall notify the secretary of the board in each school section in the municipality of every appointment of a truant officer with the name and post office address of each officer appointed.

Appointment
by school board
of section.

(5) If the council neglects to appoint a truant officer before the 1st day of February in any year, the board of a school section may appoint a truant officer for the section.

Rules.

(6) The body making the appointment may make rules not inconsistent with the provisions of this Act or the Regulations for the direction of the truant officer.

Notice of
appointment
to be given to
inspector.

(7) Notice of every appointment made under this section shall be given to the inspector within whose inspectorate the truant officer has jurisdiction.

Monthly and
annual reports.

(8) Every truant officer shall report monthly to the body appointing him and annually to the Minister of Education according to the forms prescribed by the Regulations.

Acting under
inspector.

(9) Where the appointing body so directs, a truant officer shall perform his duties under the direction of the inspector. R.S.O. 1897, c. 296, s. 6.

Truant officers
to investigate
cases of
truancy.

8. Every truant officer shall examine into all cases of truancy within his knowledge, or when requested to do so by the inspector, or by a school trustee, teacher, other truant officer or ratepayer, and shall warn the truants and their parents or guardians, in writing, of the consequences of truancy; and shall also notify the parent, guardian or other person having the charge or control of a child between the ages of eight and fourteen years not attending school as required by this Act, to cause the child to attend some school forthwith. R.S.O. 1897, c. 296, s. 7.

9.—(1) A parent, guardian or other person having the charge or control of any child between the ages of eight and fourteen years who neglects or refuses to cause such child to attend some school, unless such child is excused from attendance as provided by this Act, shall incur a penalty of not less than five dollars nor more than twenty dollars.

Conviction and penalty for violation of Act.

(2) The court may, instead of imposing a penalty, require a person convicted of an offence under this section to give a bond in the penal sum of one hundred dollars, with one or more sureties to be approved by the court, conditioned that the person convicted shall after the expiration of five days, cause the child to attend some school as required by this Act. R.S.O. 1897, c. 296, s. 8.

Requiring security instead of penalty.

10. Every truant officer shall institute, or cause to be instituted, proceedings against a parent, guardian or other person having the charge or control of a child, or against any other person violating any of the provisions of this Act. R.S.O. 1897, c. 296, s. 9.

Truant officers to institute proceedings.

11.—(1) The teacher or the principal of every public and separate school shall once in each month of the school year report to the truant officer of the municipality or section in which the school is situate the names, ages and residences of all pupils on the school register who have not attended school as required by this Act, together with such other information as the truant officer may require for enforcing the provisions of this Act.

Teachers to report to truant officer.

(2) The teacher or principal, as the case may be, shall also forthwith report to the truant officer every case of expulsion. R.S.O. 1897, c. 296, s. 11.

Reports.

12. Where any of the provisions of this Act are violated by a corporation, proceedings may be had against every officer or agent of the corporation who is a party to such violation, and such officer or agent shall be subject to the same penalties as any other person similarly offending. R.S.O. 1897, c. 296, s. 12.

Violations of Act by corporations.

13. Every person and officer charged with the duty of enforcing any provision of this Act, who neglects to perform the duty imposed upon him shall incur a penalty not exceeding \$10 for each offence. R.S.O. 1897, c. 296, s. 14.

Penalty for neglecting to enforce the Act.

14. The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*. See R.S.O. 1897, c. 296, s. 15.

Prosecutions

15. A conviction or order made in any matter arising under this Act shall not be removed, either at the instance

Convictions not to be removed for of informality.

of the Crown or of any private person, into the High Court. R.S.O. 1897, c. 296, s. 16.

Onus of proof of age of child. 16. Where a person is charged with an offence under this Act in respect to a child who is alleged to be within the ages of eight and fourteen years and the child appears to the court to be within such ages, the child shall, for the purposes of this Act, be deemed to be within such ages unless the contrary is proved. *See* R.S.O. 1897, c. 296, s. 17; 8 Edw. VII. c. 59, s. 29.

Certain children not compelled to attend public or Separate schools. 17.—(1) Nothing herein shall be held to require the child of a Roman Catholic who is a separate school supporter to attend a public school or to require the child of a public school supporter to attend a Roman Catholic separate school.

No penalty for not attending school on Church holy days. (2) No penalty shall be imposed in respect to the absence of a child from school on a day regarded as a holy day by the Church or religious denomination to which such child belongs. R.S.O. 1897, c. 296, s. 18.

Repeal. 18. Chapter 296 of The Revised Statutes of Ontario, 1897, is repealed.

9 EDWARD VII., CHAPTER 80.

An Act respecting Public Libraries and Art Schools.

Assented to 13th April, 1909.

SHORT TITLE, s. 1.

INTERPRETATION, s. 2.

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Application of money raised by debentures, s. 12 (7).

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Issue of debentures under Municipal Act, s. 12 (9).

Submission of by-law to electors in cities of over 100,000, s. 12 (10).

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as "*The Public Libraries Act.*"
R.S.O. 1897, c. 232, s. 1.

Interpretation. 2. In this Act,—

"Board." (a) "Board" in Part I. shall mean a Public Library Board, in Part II. shall mean a Board of Management of a Public Library Association, and in Part III. shall include both;

"Electors." (b) "Electors" shall mean persons qualified to vote at municipal elections;

"Minister." (c) "Minister" shall mean Minister of Education;

"Regulations." (d) "Regulations" shall mean regulations made under the authority of *The Department of Education Act*.

PART 1.

Establishment of public libraries. 3. A public library may be established in any city, town, village, or police village, in manner hereinafter provided. R.S.O. 1897, c. 232, s. 2.

Petition for establishment of library. 4.—(1) The council of a city, town or village upon receipt of a petition, form 1, signed in the case of a city, by at least one hundred, in the case of a town by at least sixty and in the case of a village by at least thirty electors, shall prepare and submit to the electors in the manner provided by *The Consolidated Municipal Act, 1903*, a by-law, Form 2. for the establishment of a public library.

3 Edw. VII,
c. 19.

(2)

(2) The council of the township or the councils of the townships in which a police village is situate upon receipt of a petition, Form 1, signed by at least thirty electors resident in such police village, shall prepare and submit to the electors within the police village a by-law, Form 2, for the establishment of a public library therein.

Township by-laws for establishing libraries in police villages

(3) Where an association has been established under Part II. or under any Act relating to Mechanics' Institutes and the members of such association at any annual meeting or at a special meeting called for the purpose by resolution declare that they desire that the library of the association be transferred to a board appointed under this Part, the council may submit to the electors a by-law for taking over the assets and property of the association and for establishing the library as a public library under this Part. R.S.O., 1897, c. 232, ss. 4-4a.

By-law may be submitted to electors for taking over property of library association.

5. Where the by-law receives the assent of the majority of the electors voting thereon, it shall be the duty of the council to pass the same without unnecessary delay. R.S.O. 1897, c. 232, s. 6.

Council to pass by-law without delay

6. Where the by-law does not receive such assent, no new by-law for the same purpose shall be submitted to the electors within the same year. R.S.O., 1897, c. 232, s. 7.

If defeated by electors, by-law not to be re-submitted in same year.

7.—(1) The general management, regulation and control of the library, and of any reading-room and museum established in connection therewith shall be vested in a board, which shall be composed of the mayor of the city or town, or the reeve of the village or township, and three other persons to be appointed by the council, three by the public school board, or the board of education of the municipality, and two by the separate school board, if any.

Appointment of board of management.

(2) The board in a police village shall be composed of the police trustees and two persons appointed by the board of the school section or each of the school sections comprised in, or forming part of the police village, and two persons appointed by the separate school board, if any, having jurisdiction in the police village.

Board in police village, how composed.

(3) No person who is a member of the body entitled to appoint shall be qualified to be a member of the board and no person shall be appointed who is not a British subject and a resident of the municipality or police village.

Members of appointing bodies not eligible.

(4) Of the members appointed by the council, and the public school board, or board of education and the separate school board, respectively, one shall retire annually, but may be reappointed.

Annual retirement of one member from each class.

Term of office
of first mem-
bers.

(5) Of the three members first appointed by the council and public school board, or board of education respectively, one shall be appointed to hold office until the first day of February after his appointment, one until the first day of February in the following year, and one until the same day in the year next thereafter; and of the two members first appointed by the separate school board, one shall be appointed to hold office until the first day of February after his appointment, and one until the first day of February in the following year; but every member shall continue to hold office until his successor is appointed.

When office
of library
trustee to be-
come vacant.

(6) If a member of the board is convicted of any offence against the criminal laws of Canada, or becomes insane, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within the municipality or police village, he shall *ipso facto* vacate his seat, and the remaining members shall forthwith declare his seat vacant and notify the appointing body accordingly.

Vacancies.

(7) In case of a vacancy by the death or resignation of a member, or from any cause other than the expiration of the term for which he was appointed, the member appointed in his place shall hold office for the remainder of the term.

Terms of office
of subsequent
members.

(8) Subject to the foregoing provisions, each of the members appointed by the council, or public school board, or board of education, shall hold office for three years from the first day of February in the year in which he is appointed; and each of the members appointed by the separate school board, for two years from the first day of February in the year in which he is appointed.

When appoint-
ments to be
made.

(9) The first appointment of members shall be made at the first meeting of the appointing body, after the final passing of the by-law, and the annual appointments thereafter shall be made at the first meeting of the appointing body, after the first day of January in each year; and any vacancy arising from any cause, other than the expiration of the time for which a member was appointed, shall be filled at the first meeting thereafter of the appointing body, but if for any reason an appointment is not made at the prescribed time, the same shall be made as soon as may be thereafter.

Corporate
name.

(10) The board shall be a body corporate by the name of "The ——— Public Library Board," inserting the name of the municipality or police village.

Chairman.

(11) The board shall at the first meeting in February of each year elect one of its number as chairman, who shall hold office for one year, and he shall preside at meetings

ings of the board when present, and in his absence a chairman may be chosen *pro tempore*, and the chairman shall have the same right of voting as the other members of the board, and no other, and any question upon which there is an equality of votes shall be deemed to be negatived.

(12) The board shall meet at least once in every month, Meetings. and at such other times as it may think fit.

(13) The chairman or any two members may summon a Special special meeting of the board by giving at least two days' meetings. notice in writing to each member, specifying the purpose for which the meeting is called.

(14) No business shall be transacted at any general or Quorum. special meeting unless four members are present.

(15) All orders and proceedings of the board shall be Record of entered in books to be kept for that purpose, and shall be business. signed by the chairman.

(16) The orders and proceedings so entered and purport- Records as ing to be so signed, shall be deemed to be the originals evidence. thereof, and such books may be produced and read as evidence of the orders and proceedings in any judicial proceeding. R.S.O. 1897, c. 232, s. 9; 61 Vic. c. 27, s. 2; 5 Edw. VII., c. 26, s. 1.

8.—(1) Subject to the restrictions and provisions here- Duties of inafter contained, the board shall procure, erect, or rent board. the necessary buildings for the purposes of the library and reading-room, and for all other purposes authorized by this Act; and shall purchase books, newspapers, magazines, maps and specimens illustrative of the arts and sciences, for the library, reading-room and museum, and do all things necessary for keeping the same in a proper state of preservation and repair; and shall provide the necessary fuel, lighting, and other accommodation; and may appoint and dismiss at pleasure the officers and servants of the board.

(2) A board shall not in any year purchase any land or erect any buildings or make any addition or alterations thereto exceeding in cost \$2,000 without the authority of the municipal council. Limit as to expenditure on capital account.

(3) A board may open a reading-room or museum, or both, in connection with the library; may establish branch libraries and branch reading-rooms in the municipality or police village, and may also open evening classes for artisans, mechanics, workingmen and others, in such subjects as may promote a knowledge of the mechanical and manufacturing arts. R.S.O. 1897, c. 282, s. 10 (1-3). Free reading-rooms, museums, evening classes.

(4)

Museums in
cities of
100,000.

(4) In a city having a population of 100,000 or over, the board shall not establish a museum without the consent of the municipal council. R.S.O., 1897, c. 232; s. 3.

Powers, etc.,
of board of
management,
with respect
to evening
classes.

(5) All the powers vested in, and all the duties imposed upon a board with respect to libraries, reading-rooms, and museums, shall apply to evening classes established under this Act, and the board shall have the same powers with respect to the appointment and dismissal of teachers or instructors as they possess with respect to other officers of the board.

Art schools.

(6) The board in a city may with the approval of the municipal council, establish an art school within the city, and may conduct the same, subject to the Regulations, so as to promote the study of art or the purposes for which it is established; and all the powers vested in, and all the duties imposed upon the board with respect to libraries, reading-rooms and museums shall be applicable to an art school so established. R.S.O. 1897, c. 232, s. 10 (4), (5).

Library Board
in city of
200,000 may
lease unoccu-
pied portion of
premises for
Art museum.

(7) The Board of a Public Library of a city having a population of 200,000 or over, may permit an incorporated Art Museum to occupy for the purposes of its gallery or museum, any part of the library building not required for immediate use for the purposes of the board, upon such terms and conditions and for such period, not exceeding five years, as may be agreed on, provided that it be a term of the agreement that the board may determine such right of occupation whenever the space is required for the purposes of the board, and that it be also a term of the agreement that the pictures and objects of art of the museum shall be open to public view free of charge on such days as the board and the Council of the museum may agree. 9 Edw. VII. c. 26, s. 21.

Board may
make by-laws
respecting use
of library.

9.—(1) The board may make rules for the use of the library, reading-rooms and museum, and for the admission of the public thereto, and for regulating all other matters and things connected with the management of the library, reading-rooms, museum, evening classes and art school, and for the management of all property under its control; and may impose penalties for breaches of the rules, not exceeding \$10 for any offence.

Promulgation
of regulations.

(2) After such rules have been published once a week for at least two weeks in a newspaper published in the municipality or police village, or in a newspaper circulated therein, if no newspaper is published therein, they shall be binding on all persons concerned.

Recovery of
damages.

(3) Nothing herein shall preclude the recovery of the value of articles or things damaged, or the amount of damage sustained, from persons liable for the same. R.S.O. 1897, c. 232, s. 11.

10. The board shall submit to the municipal council on or before the fifteenth day of February in each year a detailed estimate of the several sums required for the ensuing financial year to pay Submission of estimates by board to council.

(a) The interest on any money borrowed, as hereinafter mentioned, and

(b) The amount required to be raised for the sinking fund, or to pay any instalment of principal and interest, and

(c) The expense of maintaining and managing the libraries, reading-rooms, museums, evening classes and art schools under its control. R.S.O. 1897, c. 232, s. 12; 4 Edw. VII. c. 10, s. 54.

11. The board shall keep distinct and regular accounts of its receipts, payments, credits and liabilities, and the accounts shall be audited by the municipal auditors in like manner as the accounts of a municipality, and shall after having been audited be laid before the council by the board. R.S.O. 1897, c. 232, s. 13. Board to keep regular accounts.

12.—(1) The council of the municipality, in addition to all other rates and assessments levied and assessed for municipal purposes, shall levy and assess in each year a special rate to be called "The Public Library Rate" sufficient to provide the amount estimated by the board as hereinbefore provided, but such rate shall not exceed one-half mill in the dollar unless by a vote of two-thirds of all the members of the council such rate is increased to an amount not exceeding in the whole three-fourths of a mill in the dollar. Special rate for library purposes.

(2) In a city having a population of 100,000 or over the council shall not levy in any year a rate greater than one-quarter of one mill in the dollar, and such further rate as may be necessary to raise the moneys required to pay the annual interest and sinking fund on moneys borrowed for the purpose of acquiring a site or of purchasing or erecting buildings. In cities of 100,000.

(3) The council of the township in which a police village in which a public library has been established under the provisions of this Part is situate, in addition to all other rates and assessments levied and assessed for municipal purposes in the police village, shall levy and assess in each year a special rate to be called "The Public Library Rate" sufficient to provide the amount estimated by the board, not exceeding one-half mill in the dollar on the assessment of the police village. Rates for public library in police village.

(4)

Submission of
by-laws for in-
curring debts.
for free
libraries to
electors.

3 Edw. VII.
c. 19.

Public library
debentures.

Interest and
sinking fund.

Application of
moneys raised
on debentures.

When by-law
need not
receive assent
of electors.

Issue of
debentures.

3 Edw. VII.
c. 19.

Submission of
by-law to
electors in
cities of over
100,000.

(4) Where a board requires the council to raise money for the purpose of acquiring a site or purchasing or erecting buildings, which money, together with the amount required for the expense of maintaining and managing the libraries, reading-rooms, museums, classes and art schools under its control would involve the levy in any one year of a rate greater than one-quarter of a mill in the dollar, in the case of a city having a population of 100,000 or over, or greater than one-half mill in the dollar in the case of any other municipality and of a police village, the council by a two-thirds vote of all the members thereof may refuse to raise such sum, and if the board so requires, the question shall be submitted by the council to a vote of the electors of the municipality entitled to vote on by-laws for the creation of debts, in the manner provided by *The Consolidated Municipal Act, 1903*, and in the event of the assent of the electors being obtained it shall be the duty of the council to raise the amount in the manner provided by that Act.

(5) The council may also, subject as hereinafter provided, on the requisition of the board, raise by a special issue of debentures of the municipality, to be termed "Public Library Debentures," such sums as may be required for the purpose of acquiring a site or of purchasing and erecting the necessary buildings, and in the first instance, for obtaining books and other things required.

(6) During the currency of the debentures so issued, the council shall withhold and retain, as a first charge on the annual rate the amount required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon.

(7) All money so levied or raised shall be received by the treasurer of the municipality in the same manner as other municipal funds, and be paid out by him on the orders of the board, save as to the amount required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon.

(8) It shall not be necessary to submit to the electors a by-law authorizing the issue of debentures, if the annual sum required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon does not exceed one-half mill in the dollar.

(9) Notwithstanding anything contained in this Act a municipal corporation may issue debentures for the purposes of this Act, according to the provisions of section 386 of *The Consolidated Municipal Act, 1903*.

(10) Notwithstanding anything in this section, the council of a city having a population of 100,000 or over may submit to the electors qualified to vote on by-laws for the creation of debts a by-law for raising money for acquiring a site

site or for purchasing or erecting buildings, and if so submitted the council shall not be required to pass such by-law until it has been approved of by a majority of such electors voting thereon. R.S.O., 1897, c. 232, s. 14; 61 Vic. c. 27, s. 3; 62 Vic. (2), c. 29, s. 3; 3 Edw. VII. c. 7, s. 41; 4 Edw. VII. c. 10, s. 55.

13. All libraries, reading-rooms and museums established under this Part shall be open to the public free of charge; provided, however, that the board may impose such fee as seems proper on non-residents who may desire to use the library, reading-room or museum. R.S.O. 1897, c. 232, s. 15; 4 Edw. VII. c. 10, s. 56.

Admission to be free.
Use of library by non-residents.

14. Any municipality or school section contiguous or near to a city, town, village or township, in which a public library is situate, may enter into an agreement with the board for the use of such library and for such representation on the board as may be deemed expedient. R.S.O. 1897, c. 232, s. 19.

Municipalities may unite.

15. The teachers' institute of any inspectorate in which a public library is situate may place the books held by such institute in the custody of the board, and on so doing shall be entitled to appoint one member of the board; and in such cases every member of such teachers' institute shall be entitled to use the public library on the same terms as residents of the municipality in which the library is situate. R.S.O. 1897, c. 232, s. 20.

Teachers' Institutes may unite.

16. Every farmers' institute or womans' institute may affiliate with any public library on terms to be agreed upon with the board, and in the event of such affiliation every member of such farmers' institute or womans' institute shall be entitled to use the library on the same terms as residents of the municipality in which the library is situate. R.S.O. 1897, c. 232, s. 21.

Farmers' Institutes may unite.

PART II.

17.—(1) In a township, and in any other municipality in which a public library has not been established under Part I, any number of persons not less than ten, being British subjects and not less than 21 years of age, may form an association for the purpose of establishing a public library, reading rooms and evening classes by making a declaration, Form 3, and filing the same with an affidavit of the due execution thereof in the office of the Registrar of Deeds for the registration division in which the public library is to be situate.

Ten persons may incorporate for purpose of establishing a public library.

Fee on registering declaration.

(2) For the filing of the declaration and for every certified copy the registrar shall be entitled to a fee of fifty cents.

Copy of declaration to be sent to Minister.

(3) A copy of such declaration shall be transmitted to the Minister.

Incorporation.

(4) The persons whose names are subscribed to the declaration and all persons who become members of the association as provided by section 18, shall be a body corporate by the name of "The— Public Library Association," inserting the name of the municipality in which the library is to be established. R.S.O. 1897, c. 232, s. 23 (1) (*part*).

Members.

18. Any person 12 years of age or upwards may be a member of the association, but no person shall be elected or vote at any meeting who is not of the full age of twenty-one years. R.S.O. 1897. c. 232, ss. 24 and 27 (*part*).

Board of Management.

19.—(1) The general management, regulation and control of the library shall be vested in and exercised by a Board of Management, which shall be composed of not less than five nor more than nine persons.

First meeting for election of board.

(2) The persons whose names are subscribed to the declaration of incorporation shall meet within thirty days after the filing thereof and shall elect from among their number the members of the board.

Term of office of members.

(3) The members so elected shall hold office until their successors are elected.

Annual election thereafter.

(4) On the 2nd Monday in January in each year thereafter the members of the association shall meet and elect the members of the board for the year.

Election of president and appointment of officers

(5) The board shall, as soon after the election as is convenient elect one of its members as president, and shall also appoint a secretary, treasurer, and librarian and such other officers as may be necessary for the purposes of the association. R.S.O. 1897, c. 232, ss. 23 (*part*) and 25.

Board shall provide library buildings.

20.—(1) The board shall provide suitable accommodation for the library, reading-rooms and evening classes, and shall have power to procure, erect or rent buildings for that purpose, and to purchase books, magazines, newspapers and other reading matter for the library and reading-rooms.

Rules and regulations.

(2) The board shall make rules for the management and use of the library and reading-rooms and for conducting the business of the board, for holding regular and special meetings, for defining the duties of the officers of the board

board, and the fees to be paid by members, and generally for such other matters, not inconsistent with this Act, as may be necessary for promoting the usefulness of the public library and reading-rooms and the efficiency and discipline of the evening classes.

(3) Minutes of all the proceedings of the board shall be ^{Minutes.} kept and entered in books to be provided for that purpose by the board. R.S.O. 1897, c. 232, s. 26.

21. Where a municipal council has passed a by-law for taking over the assets and property of a library association and for establishing the library as a public library under Part I, upon the organization of a board of management under that Part, the association shall be dissolved and thereafter Part I of the Act shall apply to the library, and the assets and property of the association shall vest in the Public Library Board. (New.) ^{Dissolution of association on taking over library under Part I.}

PART III.

General Provisions.

22. No public library established under Part II. which has not a membership of at least fifty persons over 21 years of age, shall be entitled to share in any appropriation for public libraries. R.S.O. 1897, c. 232, s. 27. ^{Conditions precedent to sharing in legislative grant.}

23.—(1) Subject to the next preceding section and to the Regulations, there shall be paid to the board of every public library established under this Act, out of any money appropriated for that purpose, not more than 50 per cent. of the expenditure made for books, magazines, periodicals, newspapers, bookbinding and materials used for cataloguing and classifying a public library under the Dewey Decimal or Cutter systems or a combination of such systems, but no grant shall be paid upon an expenditure upon books of fiction in excess of 45 per cent. of the amount expended upon other books, and no grant shall exceed in respect of books, bookbinding and materials for so cataloguing and classifying \$200 or in respect of magazines, periodicals and newspapers \$50. ^{Legislative grant to public libraries:}

(2) After the money payable under subsection 1 has been apportioned, the Minister may authorize the payment out of the residue, if any, of the appropriation of the following sums, or a proportionate part of the same.

(a) \$5 to a public library which has kept a reading room open not less than three hours per day for three days in each week; or

(b)

- (b) \$10 to a public library which has kept a reading room open not less than 3 hours per day for six days in each week; and
 - (c) \$5 to a public library whose total receipts are less than \$25 per annum; or
 - (d) \$10 to a public library whose total receipts are over \$25 and less than \$100; or
 - (e) \$15 to a public library whose total receipts are over \$100 and less than \$200; or
 - (f) \$20 to a public library whose total receipts are over \$200 and less than \$500.
- (3) The Minister may authorize to be paid out of any money appropriated for public libraries,

- (a) Salaries and expenses of officers of the Department employed in giving special instructions to boards and to librarians including the cost of books, blue prints, plans of library buildings, manuscripts, engravings and photographs and of other appliances or things authorized by the Minister, and
- (b) Expenses incurred in holding meetings of library institutes.

(4) In estimating the amount to which a public library is entitled only cash payments out of moneys received by way of grant or gift or as membership fees shall be included, and no public library shall be entitled to any grant under this section by reason of the expenditure of money borrowed by the board or by reason of payments made in promissory notes or in any other way than by cash only.

(5) Subject to the Regulations the Minister may apportion any money appropriated for holding schools for the training of librarians.

Travelling
libraries.

24. Subject to the Regulations the Minister may establish and maintain travelling libraries out of such sums as may be appropriated for that purpose and may purchase books, bookcases and other appliances required therefor and may pay for cataloguing, classifying and annotating lists of books and may employ and pay assistants to aid in circulating the libraries and pay the travelling expenses of the assistants.

Regulations
fixing age limit
for children
taking books.

25.—(1) Where a board makes a rule under which an age limit is established for children taking books from the library or a rule prohibiting the public (in the case of

a free library) or the members of the association (in the case of any other library) from having free access to the books of the library or of a section of the library, the rule shall not take effect until it has been approved by the Minister.

(2) If any such rule is in force at the time of the passing of this Act the board shall within three months of the date of the receipt of a request from the Minister forward to him a copy of such rule and the Minister may disallow the same.

(3) Failure to comply with the request of the Minister shall render such rule void.

26.—(1) Subject to the Regulations, the Minister may ^{Library} ^{institutes.}

(a) Provide for the establishment of library institutes and for the holding of the meetings thereof;

(b) Employ library experts to attend library institute meetings and pay their travelling and other necessary expenses in going to, staying at and returning from the meetings, but nothing shall be paid to them for services;

(c) Pay the travelling and other necessary expenses of one delegate from each board in attending a meeting of the institute.

(2) If a board, after having received notice of the date for holding a meeting of the library institute does not send a delegate to such meeting the Minister may withhold a sum not exceeding \$5 from the next government grant payable to the board.

(3) All expenses incurred in establishing and maintaining library institutes may be paid out of any money appropriated for that purpose or out of any money appropriated for public libraries.

27. Subject to the Regulations, every incorporated art ^{Art schools.} school shall be entitled to receive out of any money appropriated for art schools a sum not exceeding \$400 annually, and such further sum on the basis of attendance and efficiency as may be determined by the Minister. R.S.O., 1897, c. 232, s. 29.

28. The Judge of the County or District Court, upon the request of the board of any public library within his jurisdiction, may appoint the janitor to be a special constable, ^{Janitor may be appointed special constable.} whose special duty it shall be to preserve the peace in the rooms of the library and in the building in which the library is situate, and to prevent the stealing, injuring or destroying

destroying of the property of the board or association, and to apprehend offenders, and he shall have generally all the powers and privileges and be liable to all the duties and responsibilities which pertain to the office of a constable. R.S.O., 1897, c. 232, s. 32.

Neglect to keep library open.

29.—(1) Where a board fails or neglects to keep open the library for two years, or to furnish an annual report, as required by the Regulations, for two consecutive years, such failure or neglect shall effect a dissolution of the corporation, and the Minister may take possession of all its books, magazines and periodicals, and dispose of the same as he may deem proper, but nothing herein contained shall confer any authority or control over any land belonging to a board or library association.

Failure to comply with regulations.

(2) Where a board in any year fails to comply with the Regulations the Minister may withhold the whole or any part of the government grant payable to the board for that year.

Seat vacated by interest in contract with corporation.

30.—(1) A member of a board shall not enter into any contract, agreement, engagement or promise, either in his own name, or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty, on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a member violating the provisions of this section shall *ipso facto* vacate his seat.

(2) On the complaint of any ratepayer of the municipality or police village or of the remaining member or members of the board, the Judge of the County or District Court or if he is a member of the board, the Master in Chambers shall, on proof of the facts declare the seat vacant, and the secretary of the board shall forthwith notify the appointing body to make a new appointment. R.S.O. 1897, c. 232, s. 33; 62 Vic. (2), c. 29, s. 2.

Newspaper proprietors inserting official advertisements not disqualified from sitting on boards, etc.

31. No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of being proprietor of or otherwise interested in a newspaper or other periodical publication which is subscribed for or in which an advertisement is inserted by the board in the regular course of business, if such subscription or advertisement is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. (*See* 1 Edw. VII. c. 39, s. 106; 6 Edw. VII. c. 53, s. 59.)

32. Any person who wilfully interrupts, or disquiets a public library, reading-room, museum, art school or any class in connection therewith, by rude or indecent behaviour, or by making a noise either within the building or so near thereto as to disturb the persons using the same, shall, for each offence incur a penalty not exceeding \$20. R.S.O. 1897, c. 232, s. 34. Penalty for disturbing a public library.

33. The penalties imposed by or under the authority of this Act shall be recovered under *The Ontario Summary Convictions Act* and shall be paid to the board concerned. Recovery of penalties.

34. Every public library heretofore established or continued under any Act respecting public libraries is continued, and shall be subject to the provisions of this Act. R.S.O. 1897, c. 232, s. 36. Existing libraries, etc. continued.

35. Chapter 232 of the Revised Statutes of Ontario, 1897, except section 37, and all amendments to the said Act are repealed. Repeal.

SCHEDULE.

FORM 1.

(Section 4.)

PETITION.

To the municipal council of

We, the undersigned electors of the said city of (or as the case may be), respectively, pray that a public library may be established in this municipality under *The Public Libraries Act*. R.S.O. 1897, c. 232, Sched. Form A.

FORM 2.

(Section 4.)

BY-LAW FOR ESTABLISHING A PUBLIC LIBRARY.

A by-law to provide for the establishment of a public library in the city of (or as the case may be).

Whereas electors have petitioned the council of the said city of (or as the case may be), praying for the establishment of a public library under *The Public Libraries Act*.

Be it therefore enacted by the said municipal council that,—

1. In case the assent of the electors is given to this by-law, a public library be established in this municipality in accordance with the provisions of *The Public Libraries Act*.

2. The votes of the electors shall be taken on this by-law on the day of 19, commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon, at the undermentioned places: (*Here insert (1) the wards; (2) the polling sub-divisions; (3) the places for holding the poll and the names of the deputy returning officers.*)

3. On the day of next, at his office in the
at o'clock in the noon, the mayor (*or reeve, or as the
case may be*), shall appoint in writing, signed by him, two persons
to attend at the final summing up of the votes by the clerk, and
one person to attend at each polling place on behalf of the persons
desirous of promoting, and a like number on behalf of the persons
desirous of opposing the passing of this by-law.

4. The clerk shall attend at the at the hour of
o'clock in the noon, on the day of 19
to sum up the number of votes given respectively for or against
the by-law.

A. B.,
Mayor (*or Reeve*).
C. D.
Clerk.

Passed the day of 19 .

Notice by Clerk.

The above is a true copy of a proposed by-law which will be taken
into consideration by the council of after one month from
the day of 19 , being the date of the first publication
thereof, and the polls for taking the votes of the electors will be
held at the hour, day and places named in the by-law. R.S.O. 1897,
c. 232, Sched. Form B.

FORM 3.

(Section 17.)

DECLARATION FOR ESTABLISHMENT OF A PUBLIC LIBRARY ASSOCIATION.

We, the subscribers hereto, hereby declare our intention to form
an association for the purpose of establishing a public library at
in the township of (*or, as the case may be*), and we
further declare that the name of the association shall be the
Public Library Association, as provided by *The Public Libraries
Act*.

Dated the day of 19 .
(Names and descriptions of the applicants.)

R.S.O. 1897, c. 232, Sched. Form E.

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